2003 0495
IGSL

2003 0495

FORT BRAGG GENERAL PLAN REVISION

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY
SEP 5 2003
UNIVERSITY OF CALIFORNIA

Leonard Charles & Associates

FINAL
ENVIRONMENTAL IMPACT REPORT

2003 0495

FORT BRAGG GENERAL PLAN REVISION

FINAL ENVIRONMENTAL IMPACT REPORT

(State Clearinghouse No. 1998012027)

November 2002

Prepared for: City of Fort Bragg
416. N. Franklin Street
Fort Bragg, California 95437

Prepared by: Leonard Charles and Associates
7 Roble Court
San Anselmo, California 94960

Digitized by the Internet Archive
in 2026 with funding from
State of California and California State Library

https://archive.org/details/C124926306

TABLE OF CONTENTS

		PAGE NUMBER
A.	INTRODUCTION	1
B.	ERRATA	1
C.	CHANGES TO THE DRAFT GENERAL PLAN	4
D.	CHANGES TO THE REVISED DRAFT EIR	25
D.	RESPONSE TO COMMENTS	26

A. INTRODUCTION

The project is titled the Fort Bragg General Plan Revision The project includes revision of the existing City of Fort Bragg General Plan to provide policy guidelines for future growth and development in Fort Bragg.

A Draft EIR was prepared for the project and submitted for public and agency review in August 2002,. The following report includes: 1) all written comments submitted on the DEIR during the 45-day public review period which closed September 30, 2002. 2) verbal comments made at the public hearing on the Draft EIR held on September 25, 2002, and 3) responses to those comments. The Fort Bragg Planning Commission and City Council conducted two additional public hearings on the Draft General Plan (on October 16 and October 30, 2002) to consider requested revisions to the Draft General Plan. This Final EIR lists the revisions to the Draft General Plan approved by the Planning Commission and City Council at these two public hearings and addresses whether those changes would result in any changes to the Draft EIR. This Response to Comments document when combined with the August 2002 Draft EIR comprise the Final EIR (FEIR) for the project.

B. ERRATA

The following errata in the Draft General Plan and Draft EIR (DEIR) were pointed out by commentors or City staff. They will be corrected as described below. The changes are indicated by strikeout (for deletions) and double underlining (for additions).:

1. Table C-4 of the General Plan incorrectly identifies roadway segments as Highway 20. This should read Highway One. All references to Highway 20 as the roadway segment will be changed to read Highway One.

2. Table LU-2 (page 16) of the Draft General Plan and Table 5 (page 18) of the DEIR describe the non-residential buildout and projections for the City (Table LU-2 and Table 5 are the same table). This table was originally prepared when the City proposed a larger Sphere of Influence (SOI). It was then revised when the City reduced the SOI. However some of the revised buildout numbers were not accurately reproduced in Table LU-2 of the Draft General Plan and Table 5 of the DEIR. The two tables show a much larger projected 10-year buildout then was actually predicted and assessed in the DEIR. The accurate table is reproduced below.

3. Map LU-1 incorrectly shows the land use designation for one parcel of approximately 10,000 square feet on the west side of Sanderson Way north of Chestnut Street as R2 (Medium Density Residential; 6-15 units per acre). The City Council determined the designation for this parcel should be R1 (3-6 units per acre). This error will be corrected in the Final General Plan.

4. Language in Program CD-1.1.4 will be changed to ensure consistency and to delete the requirement for curbs and sidewalks which are already required by the City, as follows:

Program CD-1.1.4: Consider adding the following to the Design Review Guidelines:

Just Trees in General G.L. 11/18/02

a) *Continue the grid street system throughout the City.*
b) ~~*Require sidewalks with curbs, gutters, and a street tree planting strip between the sidewalk and the roadway in residential areas.*~~ *Encourage installation of street tree planting strips between the sidewalk and the roadway in residential areas.*
c) *Permit a variety of lot sizes where found to be harmonious with the existing neighborhood.*
d) *Encourage the placement of garages to the rear of parcels accessible through an alleyway.*
e) *Encourage traditional home designs compatible with existing neighborhoods.*
f) *Encourage the establishment of parks, schools, and local-serving retail uses within or near residential areas.*
g) *Encourage undergrounding of all utilities.*
h) *Encourage grading and construction to follow the natural contours;*
i) *Promote roof angles and building massing which blend harmoniously with the surrounding landscape.*
j) *Encourage new non-residential development to mirror the historic styles of the Central Business District.*

Table LU-2

Non-Residential Buildout and Projections

	Existing			Buildout Potential			Projected Development Over the Next 10 Years		
	City	SOI	Total	City	SOI	Total	City	SOI	Total
Commer-cial and Office	1,500,000	NA	1,500,000	317,988	16,355	334,343	157,000	16,000	173,000
Motel Units	1,400	15	1,415	300	0	300	300	0	300
Industrial	NA	NA	NA	313,632	432,015	745,647	100,000	0	100,000

C. CHANGES TO THE DRAFT GENERAL PLAN

The Fort Bragg Planning Commission and City Council conducted three public hearings on the Draft General Plan (on September 25, October 16, and October 30, 2002) to consider requested revisions to the Draft General Plan. These requests for revisions are included in the comment letters reproduced later in this report as well as verbal comments made at the public hearings. At the public hearings on October 16 and October 30, 2002, the Planning Commission and City Council determined that the following changes would be made to the Draft General Plan. The changes are indicated by strikeout (for deletions) and double underlining (for additions).: An analysis of the effects of the proposed revision on the Draft EIR is presented after each change.

Land Use Element

1. The changes to Table LU-2 and Map LU-1 described above under Errata will be made.

   EIR Effect

   The DEIR assessed impacts per the revised Table LU-1, so this has no effect on the DEIR. The reduction in density resulting from the change to Map LU-1 is so small that it would not affect the analyses and conclusions of the DEIR.

2. Revise the definition of allowed uses within the Central Business District (as described on page 11 of the Draft General Plan) to state:

   Central Business District (CBD)

   This designation applies to the core of the downtown which is the civic, cultural, and commercial center of the community. Uses and site development patterns in the Central Business District are typically pedestrian-oriented. This designation is intended to accommodate government and professional offices, retail stores, theaters, and other similar uses. Residential uses on upper floors or on the ground floor at the rear of buildings are encouraged at a density of up to 40 units per net acre. The maximum FAR is ~~1.0, and if the upper stories are used for housing the maximum FAR is~~ 2.0. .

   EIR Effect

   This clarification of intent would not result in any increase in buildout projected over the next ten years. As such, it would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

3. Amend the definition of three commercial land use designations to clarify the relationship between the maximum FAR and multi-family residential development to state:

General Commercial (C2)

The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, home improvement, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. The maximum FAR for commercial development is 0.4. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Highway Visitor Commercial (C3)

This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. The maximum FAR for commercial development is 0.4. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Office Commercial (C4)

This designation is intended to serve the office and institutional needs of the community and permits such uses as professional offices, hospitals, medical clinics, and banks. Commercial uses supportive of the office and institutional uses, such as blueprint and copy shops, cafés and restaurants, pharmacies, and similar retail establishments are permitted. The maximum FAR for commercial development is 0.4. Residential uses are permitted at a maximum density of 24 units per acre with a conditional use permit.

EIR Effect

This clarification of intent would not result in any increase in buildout projected over the next ten years. As such, it would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

4. Program LU-6.1.3 will be revised to state:

Program LU-6.1.3: Revise the Zoning Ordinance ~~to establish a Planned Development process which applies to multiple unit residential projects on sites which are more than five acres in size.~~ regulations for Planned Development (PD) to establish standards and procedures which encourage the use of the PD process in new multi-family development.

EIR Effect

This clarification of intent would not result in any increase in buildout projected over the next ten years. As such, it would not in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

Conservation, Open Space, and Parks Element

5. Policy OS-1.1 will be revised to state:

> *Policy OS-1.1 Special Review Areas: Areas in the City containing watercourses, wetlands, sensitive plant and wildlife habitat, and forested land including lands supporting the Northern Bishop Pine plant community and the Mendocino Pygmy Cypress Forest plant community shall be designated as Special Review Areas.*

EIR Effect

This addition would provide protection for a sensitive vegetation community and would further reduce environmental impacts. It would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

6. Program OS-2.1.3 will be revised to state:

> *Program OS-2.1.3: Prepare and adopt a Grading Ordinance. Until the grading ordinance is adopted, use Best Management Practices to control dust and erosion and to limit changes to topography.*
>
> *Best Management Practices will be taken from the Coastal Commission's "Model Urban Runoff Program" as regards municipal projects; "California Storm Water Best Management Practices" (Camp Dresser & McKee et al for the Stormwater Quality Task Force, 1993) for industrial projects; and Caltrans' "Storm Water Quality Handbook Planning and Design Staff Guide" for project construction.*

EIR Effect

This clarification describes the sources to be used in developing BMPs. It would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

7. Program OS-3.2.1 will be revised to state:

> *Program OS-3.2.1: Revise the Zoning and Subdivision Ordinances to establish a minimum stream setback for all structures, and require dedication of an easement at the time of development sufficient to allow maintenance while preventing damage to adjacent structures, natural channels, and associated natural vegetation, provided that this does not*

eliminate all possible development potential of the property. The setback should be at least ~~30~~ 100 feet from the top of the streambank unless a biological analysis determines that a lesser setback is sufficient to protect the riparian habitat or this setback would prohibit all development of the site.

EIR Effect

This addition would provide additional protection for riparian habitat. It would not result in any new or more significant impacts nor result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

8. Add the following program to Policy OS-3.4

Program OS-3.4.2: Prior to consideration of any new development on the Todd Point aquifer, a project-specific hydrologic design analysis shall be prepared by the project applicant to recommend specific mitigation measures to minimize runoff from the site in order to retain existing levels of groundwater recharge. (Examples of such measures include establishment of retention basins, establishment of percolation chambers, use of permeable paving materials, etc.)

If the design analysis concludes that the project will result in a net decrease in groundwater recharge from the project site, then a supplemental hydrologic analysis shall be prepared by the applicant which evaluates cumulative hydrologic impacts. The study shall establish a baseline of aquifer supply to existing residential wells on Todd Point and evaluate cumulative impacts to aquifer recharge from all projected development on Todd Point.

If the supplemental hydrologic analysis shows that the cumulative development would adversely impact existing Todd Point wells, then the study shall establish the nexus for new development, both in the City and in the County, to pay its pro rata share of the costs of extending City water service to the affected existing residences.

Prior to new development, the City will establish a program that identifies how fees will be collected to extend City water, what existing residences will be served, and when the water service would be extended.

The cost of preparing the cumulative hydrologic study will be borne by the first application received which triggers this requirement, and all

future applicants for new development on Todd Point will be required to reimburse the original applicant their fair share of the hydrologic study.

EIR Effect

This addition is a revision of a recommended mitigation measure in the DEIR (see page 94 of the DEIR). The new language for this mitigation clarifies when and how the mitigation would be implemented. The revision in language would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

9. Program OS-6.1.1 will be revised to state:

Program OS-6.1.1: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

10. Program OS-8.2.2 will be revised to state:

Program OS-8.2.2: Revise the Zoning Ordinance to require that all new woodburning stoves and heaters meet current EPA standards for woodburning devices. Do not allow woodburning devices in commercial or industrial development (except for use in operating the existing or an upgraded powerhouse on the Georgia-Pacific property solely for processing forest products).

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

11. Program OS-8.2.3 will be revised to state:

Program OS-8.2.3: ~~Require~~ Work with the Mendocino County Air Quality Management District to ensure that all new industrial projects include Best Available Control Technologies (BACTs) to control emissions of air pollutants.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

12. Add the following language under Program OS-8.2.5:

> *(Other policies aimed at reducing emissions of pollutants into the air include at least the following: Policy LU-1.1 promoting multi-family development near the main commercial areas of the City; the Land Use Designations allowing multi-family development in all Commercial designations; Policy LU-2 requiring development of a specific plan(s) for re-use of the Georgia-Pacific property; Policy LU-5.3 requiring that new industrial development not adversely impact air quality; Policy C-2.1 requiring intersection improvements to maintain acceptable levels of service for streets and intersections; Policy C-9.1 encouraging expansion of the use of mass transit; Policy C-10.1 requiring improvements to pedestrian facilities; and Policy C-11.1 requiring expansion of bicycling opportunities.)*

EIR Effect

This minor addition cross references other policies and would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

13.. The following program will be added to Policy OS-8.2

> *Program OS-8.2.6: The City will prohibit unpaved roads or driveways of more than 50 feet in all new development requiring discretionary approval by the City.*

EIR Effect

This program would further reduce air quality impacts. It would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

14. Program OS-10.1.2 will be revised to state:

> *Program OS-10.1.2: Continue to work with local and regional agencies and interest groups, in conjunction with the Mendocino Coast Recreation and Park District Master Plan, to develop an open space preservation strategy.*

EIR Effect

This minor clarification would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

15. Policy OS-10.3 will be revised to state:

Policy OS-10.3 Trails in Open Space: Wherever feasible, plan and construct trails through the greenbelts and open space that connect to the City's trail system and that of MCRPD as defined in its Master Plan.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

16. Policy OS-11.2 will be revised to state:

Policy OS-11.2 Neighborhood Parks: Acquire and develop new neighborhood parks, in concert with other local recreation agencies, to meet the needs of the existing population and consistent with growth of the City's population.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

17. Policy OS-11.6 will be revised to state:

Policy OS-11.6 Prioritize Park Acquisitions: Use the following criteria to prioritize acquisition of parkland and open space:

a. distribution of neighborhood parks/playground facilities and ballfields on a neighborhood basis;
b. scenic beauty;
c. relationship to the existing and proposed trail systems and parks; ~~and~~
d. natural resource protection. and
e. appropriateness (physical characteristics) of the site to meet specific recreational needs.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

18. Policy OS-12.3 will be revised to state:

Policy OS-12.3 City/School/Recreation District Cooperation: Continue to encourage City/School/Recreation District cooperation in developing and maintaining park and recreation facilities.

EIR Effect

This minor addition would not result in any new or more significant impacts nor alter the conclusions and recommendations of the DEIR.

Circulation Element

19. The change to Table C-4 listed above under Errata will be made.

EIR Effect

The DEIR assessed impacts per the corrected table, so the correction does not alter the analyses or conclusions of the DEIR.

20. Policy C-1.1 will be revised to state:

Policy C-1.1 Level of Service Standards: Establish the following Level of Service (LOS) standards:

Signalized and All-Way-Stop Intersections Along Highway One	*LOS D*
Side Street Stop Sign Controlled Intersections Along Highway One (Side Street Approach)	*LOS D, or LOS E or LOS F if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.*
Signalized and All-Way Stop Intersections Not Along Highway One	*LOS C*
Side Street Stop Sign Controlled Intersections Not Along Highway One (Side Street Approach)	*LOS C, or LOS D or LOS E if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.*

- *If volumes at an unsignalized intersection are increased to meet or exceed Caltrans rural peak hour signal Warrant #11 criteria levels and the intersection is operating at an unacceptable level of service.*
- *LOS E for Main Street (Highway One) between the northbound lane merge area and Manzanita Street.*
- *LOS D for other City-designated arterials and collectors.*
- *LOS C on all City-designated local streets.*
- *The maximum allowable LOS standards for Main Street apply to the p.m. peak hour weekdays during the summer and to the p.m. peak hour on*

weekdays and weekends during the remainder of the year. They do not apply to p.m. peak hours on weekends during the summer. During the p.m. peak hours on summer weekends, Main Street can operate at LOS F.

EIR Effect

The DEIR "Criteria Used to Determine Impact Significance" on page 134 of the DEIR would be changed to reflect this revision. Given this revision, it is predicted that the southbound direction on Main Street between Elm Street and Laurel Street would operate at an acceptable LOS over the next ten years. Nevertheless, the Planning Commission and City Council have decided to add the two DEIR-recommended mitigation measures for improving Main Street in the case that the LOS drops below acceptable levels and other traffic improvements cannot mitigate this impact. The only change required for the DEIR is to delete the fifth sentence in the first paragraph under Impact 4.5-A on page 135 of the DEIR and the corresponding reference to unacceptable LOS between Elm Street and Laurel Street in the Summary section (the final portion of the first sentence of the second paragraph under Transportation and Circulation on page 47 of the DEIR).

21. Policy C-2.5 will be revised to state:

Policy C-2.5 ~~Georgia-Pacific Site~~ Timber Resources Industrial Lands: Ensure that the grid street system and a north/south arterial ~~are incorporated into specific plans for the Georgia-Pacific property~~. be designed to ensure the maximum benefit is derived from the new arterial.

EIR Effect

This clarification of intent would not result in any new or more significant impacts nor alter the conclusions or recommendations of the DEIR.

22. Program C-2.1.1 will be revised to state:

Program C-2.1.1: When a traffic analysis of levels of service and/or safety hazards indicates the need, construct the following roadway improvements:

a) Signalize the Main Street/Pudding Creek Road intersection;

b) Signalize the Franklin Street/Oak Street intersection;

c) Widen the section of Main Street from the Pudding Creek Bridge to the northern City Limits to three lanes, adding a center turn lane;

d) Reconstruct the Main Street/Ocean View Drive intersection at time of development of the property between the College of the Redwoods and Main Street. Require a traffic engineering analysis of the intersection to determine appropriate geometrics and signal timing. Construct turning lane mitigations as needed.

e) *Signalize the Main Street/Laurel Street intersection or provide some other improvement to provide for pedestrian safety;*

f) *Signalize the Main Street/Pine Street intersection;*

h) *Construct bicycle lane and pedestrian improvements on Chestnut Street and Oak Street;*

i) *When warranted by traffic volumes, install a right-turn pocket for westbound travelers on Oak Street at the Oak Street/Harold Street intersection; and*

j) *Consider extending Harrison Street south from Walnut Street to Cypress Street.*

k) *Continue the two northbound through lanes on Main Street from Oak Street to just north of Laurel Street. Stripe the curb lane as a right turn only lane between Redwood Avenue and Laurel Street. This improvement will be done only if other circulation improvements will not result in the street operating above LOS F.*

l) *Construct a second southbound through travel lane on Main Street from Elm Street to Laurel Street. This improvement will be done only if other circulation improvements will not result in the street operating above LOS F.*

EIR Effect

These additions are recommended in the DEIR (see page 139). This change would be consistent with DEIR recommendations.

23. Policy C-4.2 will be revised to state:

Policy C-4.2 Franklin Street: ~~Maintain the existing traffic flow and configuration of Franklin Street between Oak Street and Pine Street in the Central Business District.~~ Ensure that Franklin Street in the Central Business District is maintained as a pedestrian-oriented corridor with safe vehicular and traffic patterns.

EIR Effect

This clarification of intent would not result in any new or more significant impacts nor alter the conclusions or recommendations of the DEIR.

24. Program C-4.2.2 will be revised to state:

Program C-4.2.2: Continue to monitor traffic volumes and accidents on Franklin Street and Main Street and make necessary safety improvements as warranted.

EIR Effect

This additional monitoring would not result in any new or more significant impacts nor alter the conclusions or recommendations of the DEIR.

Safety Element

25. Add the following new program to Policy SF-1.1:

> *Program SF-1.1.9: Continue to comply with State law regarding reinforcement of unreinforced masonry structures.*

EIR Effect

This additional program would further reduce potential impacts from seismic activity. It would not result in any new or more significant impacts nor alter the conclusions or recommendations of the DEIR.

Housing Element

26. A number of changes will be made to the Housing Element in response to the State Department of Housing and Community Development's (HCD) review of the Draft Housing Element. These changes are described in the attached letter that follows this section of the FEIR from PAS & Associates to Mr. Dirksen of HCD.

EIR Effect

None of the Housing Element Policies or programs are mitigation measures for impacts identified and assessed in the DEIR. None of the proposed changes would result in an increase in the residential development projected over the next ten years. As such, these revisions would not result in any new or more significant impacts nor alter the conclusions or recommendations of the DEIR.

Miscellaneous

27. A number of minor typographical errors and errata will be corrected in the Final General Plan. These corrections do not alter the intent of any gal, policy, or program.

PAS & Associates **Planning Consultants**

Office: 2175 Blucher Valley Road •
Sebastopol, Ca. • 95472 Phone: (707) 829-3861
Mail: P. O. Box 1414 • Sebastopol, CA • 95473 FAX: (707) 829-3864

Paul Dirksen
Division of Housing Policy Development
Department of Housing and Community Development
P. O. Box 952053
Sacramento, CA 94252-2053

~~October 24~~November 6, 2002

Dear Mr. Dirksen:

RE: Fort Bragg Housing Element

Please find attached the revised Draft Housing Element for the City of Fort Bragg that has incorporated the revisions identified in your letter of October 15, 2002. These revisions reflect my discussions with City staff and housing providers in Mendocino County. A number of additional program changes were made to the Element in response to the feedback the City received from non-profit housing providers which are also included for your review.

The revisions to the housing element are summarized below:

A. Housing Needs, Resources and Constraints

1. Information on household characteristics, ability to pay, overcrowding and housing stock condition was added under 5. Ability to Pay for Housing:

   According to the 2000 US Census, the median household income for Mendocino County was $35,996. Estimates of overpayment by owners and renters reveal 56 percent of lower-income owner households pay over 30 percent of their household income on housing, and 69 percent of lower-income renter households overpay for housing.

   In addition, the 2000 Census data indicated 33 owner occupied units (1.15 percent), and 94 renter households (5.6 percent) in Fort Bragg reside in overcrowded conditions. It should be noted that 49 renter occupied units are quite overcrowded, with two or more occupants per room.

2. The following explanation was added to Appendix C addressing how the development potential on underdeveloped sites was calculated:

   The data in this Appendix are different than the residential buildout figures contained in the Background Reports and in references to residential buildout in other Elements of the General Plan since it uses more conservative assumptions for calculating buildout (i.e., it reduces the development potential of multi-family properties by about 75 percent); it includes underutilized parcels; and it includes the residential component of mixed use development. The unit development potential for underdeveloped sites was

further reduced on a case-by-case basis taking into account the existing development on the site and other constraints.

The following text was added to Appendix C to clarify that the anticipated Zoning Ordinance will ensure consistency between the revised General Plan and Housing Element and the Zoning Ordinance:

The Zoning Ordinance is being revised to ensure consistency with the updated General Plan and Housing Element. No Zoning Ordinance or General Plan amendments would be needed to achieve the densities noted above.

B. Land Use Controls

Additional information on development standards are included as Appendix F to the Element. In addition, Program H-2.2.3 has been revised as follows:

Program H-2.2.3 Parking Standards: Adopt revised ~~Consider~~ ~~revising the~~ parking standards to implement reduced and/or flexible standards for residential uses in commercially zoned areas that account for day/night uses and combined parking facilities.

Fees and Exactions: Included the following information on the fees for a typical single family and multifamily unit in the city under e. Development Fees.

The fees levied for a typical 1,500 square foot single family dwelling, including all impact fees is $15,123. For a multifamily dwelling located in a typical four-plex, these fees total $6,520.

Permit Processing: The following additional language has been added to Section G. Processing Time to more fully describe the approval process for single family and multifamly projects;

Single family units are a permitted use by right and do not require a conditional use permit, and as indicated above, can take up to two months for approval, depending on whether Design Review or another discretionary permit such as a Variance are required. The City has adopted Architectural Review Guidelines with clear illustrations and text to streamline and facilitate this process.

Multifamily housing is a permitted use in all multifamily residential districts. Multifamily housing in mixed use districts requires a conditional use permit, which typically takes two-four months where no other entitlements, such as a major subdivision are required.

Second dwelling units are approved administratively. The typical administrative approval time for a second dwelling unit is less than three weeks. The time to obtain approval for single and multiple family housing does not constitute a constraint on housing development in Fort Bragg.

Program H-2.2.2 which requires a conditional use permit process for residential development in the HVC District has the following added language demonstrating that it facilitates the development of housing.

The conditional use permit requirement is established to ensure the compatibility of multifamily residential uses in the Highway Visitor Commercial (HVC) District with surrounding land uses, namely that the proposed residential development is sited and designed in a manner that ensures the residential uses are adequately protected from noise, glare, dust and odors which may occur in commercial districts. Although most of the vacant and underutilized parcels in the HVC District would be suitable for multifamily mixed use developments, the conditional use permit process would discourage such development on the few parcels in this district not suited for this land use, or ensure that they are approved with conditions ensuring overall compatibility of mixed use development.

4. An analysis of the price of land, cost of construction, and availability of financing has been added to section i. Market Constraints as follows:

   The cost of a typical single family lot in Fort Bragg ranged from $50,000- to $80,000- in 2002. Construction costs for a 1,700 square foot, 3 bedroom, 2-bathroom home vary from $110- to $125-per square foot. Rising insurance costs and sharply increased –workers compensation insurance for contractors statewide mean that these construction cost figures will increase by approximately 4 to 6 percent next year.

   Constraints on Housing for Persons with Disabilities: Our response to this item is discussed under in Section C. 1.b. Program 4.2.2 and Appendix E: SB 520 Compliance Checklist have been added to the element.

5. Special Housing Needs: Additional information provided by HCD was added in the Special Housing Needs section of the element for the elderly, persons with disabilities, large families, farmworkers, and for female head of household. No additional information is available on the number of homeless than what is provided in the Element, which indicated that emergency shelter providers thought the need exceeded the supply without being able to provide a quantitative estimate of the unmet need.

6. At Risk Units: Appendix D: Affordable Housing Units has been revised to indicate the type of financing and affordability status of each affordable housing development. This table indicates that there are three affordable housing developments at risk of converting to market rate units in the next ten years: River Gardens; Walnut Street Apartments; and the Moura Senior Housing Apartments. The Rural Communities Housing Development Corporation has obtained an option to purchase River Gardens and is currently assembling the financing to complete the transfer of ownership.

C. Programs

1.a. The footnote on page 118 has been updated indicating the amount in the Redevelopment low- and moderate-income fund as of June 30, 2002 was $279,000~~.00~~. It is projected to increase by $230,000~~.~~ per year during the planning period. Use of those funds is indicated under each program that refers to this fund as one of the sources of financing for its implementation.

1.b. Program H-4.2.2. to meet the requirements of SB 520 and the attached Appendix E: SB 520 Compliance Checklist have been added to the Housing Element:

> *Program H-4.2.2: Reasonable Accommodation for Persons with Disabilities: Review ~~of~~ the City's land use and building regulations to identify constraints that may exist for the provision of housing for persons with disabilities, and adopt measures to facilitate reasonable accommodations for persons with disabilities. Publicize revisions to land use regulations providing for reasonable accommodation for persons with disabilities.*

2. Adequate site analysis: Additional information has been provided in Appendix C in our response to item A.2. which meets the concerns expressed by this comment.

3. Programs addressing government constraints: Additional information was provided in response to item B which meets the concerns expressed by this comment.

D. Public Participation

The following additional language has been added to Section 3. Public Participation which fully describes in more detail the workshops and public hearings as well as the outreach efforts conducted ensuring that all sectors of the community, including affordable housing providers participated in the Housing Element revision process:

> *A Housing Issues Report was prepared and a public workshop was conducted by the Community Development Advisory Board. The public workshop was advertised in the local newspaper and notices sent to affordable housing providers and housing advocates in Mendocino County. Members of the public, and for-profit and affordable housing developers attended the workshop. In addition, ~~several~~ six public hearings on the Housing Element were conducted by the Planning Commission and the City Council to solicit public input, all of which were broadcast by the local government access television station. The feedback obtained from the affordable housing developers resulted in a number of program changes to the Element.*

D. Coastal Zone

There were no housing units demolished, lost or replaced in the Coastal Zone. Program H-5.2.1 was revised requiring the tracking of the stock of affordable housing units, demolition permits, and conversion of residential units to other uses as part of the Annual Report on the implementation of the Housing Element.

Program H-5.2.1 Annual Report: Prepare an annual report that describes the amount and type of housing constructed, the stock of affordable housing units, demolition permits, and conversion of residential units to other uses, and other housing-related activities for review by the CDAB, Planning Commission and City Council.

Revisions to the Draft Housing Element in Response to Comments from Non-Profit Housing Developers

Habitat for Humanity recommended that several program changes be made to the Housing Element to provide flexibility to non-profit housing organizations developing sweat-equity housing projects for low- and moderate-income families. The following program changes were made in response to these concerns:

Program H-2.2.2 Consider Zoning Ordinance Revisions: Consider the following Zoning Ordinance amendments to provide additional housing development opportunities:

- *revise the APO and the C-2 zoning districts to include a maximum allowable residential density of 24 units per acre with a conditional use permit;*
- *revise the Highway Visitor Commercial (HVC) District to allow residential uses at a density of 24 units per acre with a conditional use permit; and*
- *revise the Central Business District to allow a residential density of up to 40 units per acre as a permitted use above the ground floor.*
- *establish a procedure which allows for flexibility in applying development standards pertaining to roadways, setbacks, minimum lot standards and parking requirements for affordable housing developments with continuing affordability requirements.*

Program H-3.6.1 Adopt Continued Affordability Measures: Prepare deed restrictions and/or similar covenants to ensure the continued affordability of below market rate units for a specified minimum period of time for rental and ownership units which implement the requirements imposed by State and federal laws.

Program H-2.8.2: Update the Five-Year Implementation Plan: Revise the Redevelopment Five-Year Implementation Plan to include specific criteria for use of the 20 percent of the tax increment revenues collected which are allocated to the Housing Fund. Include criteria for the provision of full or partial fee waivers for affordable housing projects.

It would be appreciated if you would review the changes indicated in the attached Draft Housing Element by ~~strikethroughs~~ for deletions and double underlining for additions. Please let me know whether these revisions will enable the Element to meet State housing law, or what further changes, if any, would be required. Do not hesitate to call me to discuss this matter.

Sincerely,

Paul-André Schabracq, AICP

CC. Linda Ruffing, City of Fort Bragg

Attachment to the Housing Element

Appendix D: Affordable Housing Units

Listed below are the affordable housing units built in the City.

AFFORDABLE HOUSING UNITS

Development	Location	Year Built	No. of Units	At Risk Status	Income Category
Habitat for Humanity	Oak Street	under const'n.	2	Protected	Very Low
Rural Communities Housing Development Corporation	Stewart Street	2000	10	Protected	Very Low/Low
Rural Communities Housing Development Corporation	Stewart Circle	2000	6	Protected	Very Low/Low
Community Development Commission	John Cimolino Way	2000	14	Protected	Very Low
Rural Communities Housing Development Corporation	Holmes Lane	1999	7	Protected	Very Low/Low
Habitat for Humanity	Maple Street	1998	2		Very Low
Community Development Commission	South Sanderson Way	1997	9	Protected	Very Low
Habitat for Humanity	South Corry Street	1996	2	Protected	Very Low
Rural Communities Housing Development Corporation	Howland Court	1995	10	Protected	Very Low/Low
Habitat for Humanity	Oak Street	1994	2	Protected	Very Low
Community Development Commission	Cypress Street	1993	19	Protected	Very Low/Low
Habitat for Humanity	South Harold Street	1991	1	Protected	Very Low
Moura Construction	South Street	1990	38	Not Protected	Senior Housing Very Low/Low
Private/Federal Home Mortgage Association	Walnut Street	1986	56	Not Protected	Very Low
Rural Communities Housing Development Corporation	Cypress Street	1980	43	Protected	Very Low
River Gardens	South Street	1979	48	Pending	Very Low
Total Affordable Housing Units			269		

Protected means rental or resale controls are in effect for at least the next ten years.

Appendix E: SB 520 Compliance Analysis

The City of Fort Bragg's existing review procedures regarding housing for persons with disabilities is summarized below.

1. General

- *Does the City have any process for individuals with disabilities to make requests for reasonable accommodation with respect to zoning, permit processing or building laws?*

There exists no special permit process for housing accommodating individuals with disabilities.

- *Has the City made any effort to remove constraints on housing for persons with disabilities?*

Group homes with less than six residents (exclusive of staff) are allowed in all residential zoning districts as a use by right. Group homes for 6 or more residents are allowed in all residential and commercial zoning districts with a conditional use permit. ADA retrofits, such as a ramp or lift requires a building permit, or if they substantially change the appearance of the structure, staff approval or Design Review and Planning Commission approval may be required.

- *Does the City make information available about requesting a reasonable accommodation with respect to zoning, permit processing, or building laws?*

A program addressing this requirement is included in the Draft Housing Element.

2. Zoning and Land Use

- *Has the City reviewed all of its zoning laws, policies and practices with compliance with fair housing law?*

The City is completing a comprehensive revision of its Zoning and Subdivision Ordinances which includes compliance with fair housing laws.

- *Are residential parking standards for persons with disabilities different from other parking standards?*

There are no residential parking standards for persons with disabilities different from other parking standards. The City complies with the UBC and CALDAG for the number and configuration of handicapped parking spaces.

- *Does the City have a policy or program for the reduction of parking requirements for special needs housing if a project can demonstrate a reduced need for parking?*

The Zoning Ordinance provides for flexible parking standards which would allow a reduction in parking requirements for persons with disabilities, emergency and transitional housing, and other special housing needs, such as senior housing.

- *Does the City restrict the siting of group homes?*

No. As indicated above, group homes of less than six residents are permitted as a use by right in all residential zoning districts. Group homes of six or more residents are allowed with a conditional use permit in all residential and commercial zoning districts.

- *Does the City have occupancy standards in the zoning code that apply specifically to unrelated adults and not to families?*

No. Fort Bragg does not have occupancy standards in its Zoning Ordinance.

- *Does the land use element regulate the siting of special needs housing in relationship to one another? Specifically, is there a minimum distance required between two (or more) special needs housing?*

Neither the Land Use Element nor the Zoning Ordinance contain any regulations addressing spacing or siting of special needs housing nor the location of such facilities with regard to one another.

3. Permits and Processing

- *How does the City process a request to retrofit homes for accessibility?*

A building permit would be required for a ramp or a lift. This is done administratively. Where substantial modifications to the exterior appearance of a commercial or residential structure of more than two units are needed, Architectural Review approval by the Planning Commission may be required. The discretionary approval by the Planning Commission would be limited to the exterior appearance of the structure, and not to the use or to mechanical equipment required to improve accessibility.

- *Does the City allow group homes with fewer than six persons by right in single-family zones? What permits, if any are required?*

This use is allowed by right in all residential zoning districts. A building permit would be required for one dwelling, and Design Review and Planning Commission approval for design related issues would be required for two or more dwellings.

- *Does the City have a set of particular conditions or restrictions for group homes with greater than six persons? What are they? How do they affect the development of housing for persons with disabilities?*

Group homes for six or more persons are permitted with a conditional use permit in all residential and commercial zoning districts. There no are special standards, requirements, or performance standards applicable to group homes or for persons with disabilities. The use permit requirement does not act as a detriment to the development persons with disabilities in Fort Bragg: two such facilities are already located in the City; and the typical conditions of approval are no more stringent than for other similar residential land uses requiring a conditional use permit.

- *What kind of community input does the City allow for the approval of group homes? Is it different than for other types of residential development?*

Group homes of six of fewer residents require no public hearing or special permits. Group homes with six or more residents require a conditional use permit that is subject to a public hearing. The public input for group homes is no more stringent or different than for any other type of residential development, and indeed is less than for a major residential subdivision.

- *Does the City have particular conditions for group homes which will be providing services on site?*

No. The Zoning Ordinance is silent with regard to this matter.

4. Building Codes

- *Has the City adopted the Uniform Building Code? What year? Has the City made amendments that might diminish the ability to accommodate persons with disabilities?*

The City has adopted the most recent UBC dated 1998. No amendments to the UBC have been made by the City affecting housing for persons with disabilities.

- *Has the City adopted any universal design elements in the building code?*

No.

- *Does the City provide reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits?*

There are no special provisions, standards or performance criteria in the Zoning Ordinance or the Building Codes applicable to persons with disabilities.

The City will add the following program under the Special Housing Needs goals and policies:

Program H-4.2.2 Reasonable Accommodation for Persons with Disabilities: Review ~~of~~ the City's land use and building regulations to identify constraints that may exist for the provision of housing for persons with disabilities, and adopt measures to facilitate reasonable accommodations for persons with disabilities. Publicize revisions to land use regulations providing for reasonable accommodation for persons with disabilities.

D. CHANGES TO THE REVISED DRAFT EIR

Based on the comments received and the Fort Bragg Planning Commission's and City Council's proposed changes to Draft General Plan policies and programs, the following changes will be made to the DEIR. Additions to the text are marked by strikeout and underlining.

1. All references in the DEIR to land use designations, policies, and programs that are proposed for revision (as described above) will be revised as stated. None of these proposed revisions of the Draft General Plan would result in any new or more significant environmental impacts nor alter the conclusions and recommendations of the DEIR. The only two revisions that would require changes to the text of the DEIR (other than revising the language of policies and programs cited as mitigation measures) are the proposed changes to Policy C-1.1 and to the recommended Program OS-3.4.2. The changes to these polices are described further below.

2. Given the proposed change to the LOS standards in Policy C-1.1, delete the fifth sentence in the first paragraph under Impact 4.5-A on page 135 of the DEIR and the corresponding reference to unacceptable LOS between Elm Street and Laurel Street in the Summary section (the final portion of the first sentence of the second paragraph under Transportation and Circulation on page 47 of the DEIR).

3. The recommended mitigation measure on page 94 of the DEIR will be replaced with the new mitigation measure for Program OS-3.4.2 as described above under No. 8.

4. Several changes or additions will be made to the discussion of the air quality section of the DEIR. These changes are described in Responses B2-4, B6-8, B12-13, and B15-16. None of these changes will alter the analyses, conclusions, or recommendations of the DEIR.

5. Minor corrections to vegetation and wildlife section will be made. These changes are identified in Responses D11 to D13 and G2. None of these changes will alter the analyses, conclusions, or recommendations of the DEIR.

6. Minor changes to the recreation section will be made. These changes are identified in Responses E10 and E12. None of these changes will alter the analyses, conclusions, or recommendations of the DEIR.

The proposed changes to the Draft General Plan and DEIR would reduce all environmental impacts to a less than significant level.

D. RESPONSE TO COMMENTS

The following lists the comment letters received during the public review period for the DEIR. The list describes where each comment letter can be found as well as the responses to each comment letter.

Commentor		Date	Comment Page	Response Page
Public Agencies				
A.	State of California Office of Planning and Research	10/03/02	27	31
B.	Mendocino County Air Quality Management District	9/03/02	32	51
C.	Local Agency Formation Commission of Mendocino County	9/25/02	64	82
D.	California Department of Parks and Recreation	9/27/02	83	87
E.	Mendocino Coast Recreation & Park District	9/27/02	91	93
F.	California Regional Water Quality Control Board, North Coast Region	9/30/02	95	98
G.	California Department of Fish and Game	9/30/02	100	104
H.	County of Mendocino Department of Planning and Building Services	9/30/02	105	109
I.	California Department of Transportation	10/02/02	111	113
Individuals				
J.	Chuck Greenberg	9/20/02	114	115
K.	Barbara Clark	9/25/02	116	118
L.	Paul Clark	9/25/02	119	135
M.	Paul Clark	10/01/02	141	150
N.	Ron Guenther and Roanne Withers, Sierra Club Mendocino Group and Friends of Fort Bragg	10/02/02	151	154
O.	Michelle White	10/02/02	156	159
Oral Comments Submitted at Public Hearings				
P.	Oral Comments	9/25/02	161	161

The following section of this report contains letters received during the public review period for the Draft EIR. Each comment letter is followed by responses to that letter. Each comment requiring response is numbered to correspond to the numbered responses. Comments are responded to when the commentor asks for clarification of data presented in the DEIR or poses a specific question regarding the DEIR

RECEIVED
OCT 7 2002
OCT 7 2002
CITY OF FORT BRAGG
PLANNING DEPT.

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse

A

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

October 3, 2002

Linda Ruffing
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Subject: City of Fort Bragg General Plan Update
SCH#: 1998012027

Dear Linda Ruffing:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 2, 2002, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 1998012027
Project Title City of Fort Bragg General Plan Update
Lead Agency Fort Bragg, City of

Type EIR Draft EIR
Description Comprehensive update of City of Fort Bragg General Plan including Coastal Element.

Lead Agency Contact

Name Linda Ruffing
Agency City of Fort Bragg
Phone 707-961-2827 **Fax**
email
Address 416 North Franklin Street
City Fort Bragg **State** CA **Zip** 95437

Project Location

County Mendocino
City Fort Bragg
Region
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways California Western Railroad
Waterways Pacific Ocean, Noyo River, Pudding Creek, Hare Creek
Schools
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Coastal Zone; Forest Land/Fire Hazard; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 3; Department of Forestry and Fire Protection; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 1; Department of Health Services; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission; State Clearinghouse

Date Received 08/19/2002 **Start of Review** 08/19/2002 **End of Review** 10/02/2002

OCT 10 2002

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Tal Finney
INTERIM DIRECTOR

October 7, 2002

OCT 10 2002

Linda Ruffing
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Subject: City of Fort Bragg General Plan Update
SCH#: 1998012027

Dear Linda Ruffing:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 2, 2002. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (1998012027) when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

SEP 0 9 2002

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

ACKNOWLEDGEMENT OF RECEIPT

DATE: September 5, 2002

RECEIVED
SEP 09 2002
CITY OF FORT BRAGG
PLANNING DEPT.

TO: Linda Ruffing
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

RE: City of Fort Bragg General Plan Update
SCH#: 1998012027

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: August 19, 2002
Review End Date: October 2, 2002

We have distributed your document to the following agencies and departments:

California Coastal Commission
California Highway Patrol
Caltrans, District 1
Department of Conservation
Department of Fish and Game, Region 3
Department of Forestry and Fire Protection
Department of Health Services
Department of Parks and Recreation
Native American Heritage Commission
Office of Historic Preservation
Regional Water Quality Control Board, Region 1
Resources Agency
State Clearinghouse
State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Response to Cover Letter from the State Clearinghouse

A1. No response is required to this cover letter as it simply states that the EIR has been submitted to appropriate State agencies for review.

C. D. Wolbach, Ph.D.
Interim Air Pollution Control Officer
DONNA ROBERTS NASH
Office Manager

306 East Gobbi Street
Ukiah, California
(707) 463-4354
Fax: (707) 463-5707

SEP 10 2002

RECEIVED

SEP 11 2002

CITY OF FORT BRAGG
PLANNING DEPT.

COUNTY OF MENDOCINO
AIR QUALITY MANAGEMENT DISTRICT
UKIAH, CALIFORNIA 95482

Tuesday, September 03, 2002

Linda Ruffing, Community Development Director
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Subject: Comments on Draft General Plan and Draft Environmental Impact Report (dated August 2002)

Ms. Ruffing,

The District has received and reviewed the Draft General Plan and associated Environmental Impact Report for the City of Fort Bragg. The District feels that this document and the Environment Impact Report has a number of errors, omissions, oversights and questionable policies which do not adequately address Air Quality. This letter will first address the EIR and then address issues in the General Plan.

Issues in the EIR

Page 54 "Georgia Pacific powerhouse operations pollute the air." While this statement is attributed to "members of the public or reviewing agencies," it is inflammatory and does not address the fact that the facility operates within the requirements of its permits. The District believes that this *statement of opinion* belongs inside the comments section of a final environmental impact report, not in the text of the EIR itself. B1

Page 148 A.1. The City of Fort Bragg *is* in a recognized air basin. It is in the North Coast Air Basin, as is the rest of Mendocino County. The North Coast Air Basin has been in existence and has included the City of Fort Bragg since the early 1970s. B2

Page 148 A.1. The District does not agree with the assertion that "The air pollution potential of Fort Bragg is quite low." While winds are more likely to distribute pollution generated in Fort Bragg to inland areas, pollution generated in the county's second largest city is of serious concern to the District. B3

Not discussed – belongs in Page 148 A.1. Exposure to toxic air contaminants. Airborne toxics are of increasing concern in California. Gas stations, automobiles and trucks are significant sources of benzene and diesel particulate, both of which are known to cause cancer. (Diesel particulate is discussed in the EIR on page 154). The district strongly B4

encourages the location of known or potential sources of air toxics to be seriously considered during the land use planning process. Sources of toxic air contaminants in Fort Bragg include gas stations, auto body shops, dry cleaners and traffic congestion as well as 'traditional' industrial sources of air pollution.

Page 148 A.2. Ambient Air Quality and Air Quality Standards. The criteria pollutants are used to gauge the general air quality of an air basin. Public health is more likely to be impacted by air toxics and localized concentrations of air pollution. B5

Page 151 A.3. The District measures gaseous pollutants in both Ukiah and Willits. B6

Page 151 A.4. In August of 2002 the District recorded a number of days in exceedance of the State Ozone standard in both Willits and Ukiah. These readings may lead to the District becoming non-attainment for the state Ozone standard. B7

Page 153 A.5. "Thresholds of significance" The District does not have thresholds of significance, as defined by CEQA, for pollutants. The District does have a significance level for emissions (Regulation 1 Rule 130 [s2]) in relation to industrial sources of air pollution. This "significance level" is not for use to determine significance for CEQA or for any area sources of pollution (i.e. emissions from land development projects). These levels are potential to emit levels (Regulation 1 Rule 130 [p4]) and not subject to "mitigation" as defined by CEQA. The "significance level" is required by the Federal Clean Air Act Amendments of 1990 for determining sources requiring Federal Permits. Projects below the "significance level" are *still* subject to District regulations and permitting. B8

Page 153 & 154 4.6-A The District disagrees with the City's contention that normal coastal winds will mitigate the air pollution from new development. The fact that the pollution may blow across the city limits does not alleviate the need for the city to reduce emissions resulting from additional development. Dilution (or transport to other jurisdictions) is not the solution to pollution. Reduction of emissions is. B9

While the new commercial and residential development planned by the city may not greatly increase truck traffic, it will increase congestion resulting in higher emissions of diesel particulate. An increase in truck traffic, from deliveries, is likely from commercial and tourist orientated development as well. B10

The potential increases in emissions solely from residential development are discussed under the Housing Element below and in the attached URBEMIS 7G model runs.

Page 155. **The District disagrees with the statement that increases in motor vehicle traffic in the City of Fort Bragg resulting from the Draft General Plan will be less than significant.** The Districts bases this position primarily on the emissions resulting from increased residential development discussed below in the Housing Element and the attached URBEMIS 7G model runs. B11

The District could support a finding for less than significant impact if the policies listed on page 155 were adopted as mitigation measures.

Page 156 4.6 B This impact statement is significantly wrong in two of its *factual* statements. B12

In the first paragraph, MCAQMD is *not* in the process of changing its regulations to ban fireplaces in commercial establishments. Although the District *strongly discourages* the practice, it currently has no intention to add such a ban to its regulations. To add such a ban will be a policy decision of the District Board. This is not to imply that at some future time the District will not petition the Board to add such a regulation. This should also not imply that the District would be adverse to the City of Fort Bragg putting such a ban in place.

In the second paragraph, there was never *any* indication that Georgia Pacific exceeded their particulate emissions limits. During the time period in question they were cited first for a nuisance violation caused by a boiler breakdown resulting in poor fuel-oil combustion (not wood combustion) and corresponding odor complaints. They were cited second for violations of fuel quality monitoring and reporting requirements. B13

Finally the *continued operation* of the Georgia Pacific facility does not meet the CEQA definition of a project and therefore *continued operation* cannot have a significant impact on air quality as defined by CEQA. B14

Page 157 4.5 Significance after Mitigation. The District does not require that permitted sources reduce impacts to less than significant levels (again using the CEQA definition). Sources must comply with all requirements in Federal, State and District regulations and the District strongly encourages sources to reduce emissions to the greatest extent possible. If a major source cannot reduce its emissions to below levels of significance[1] it must use Maximum Achievable Control Technology (MACT). B15

Page 157 4.6-C This section should discuss unpaved and gravel road surfaces, which also contribute to dust generation. The District encourages all jurisdictions in the county to require that all new roads, driveways and parking lots be paved. B16

Comments on the General Plan (Public review Draft August 2002)

Open Space Element

Page 54 Goal OS-8 Improve Air Quality

The policies and programs following this goal in the Open Space Element are unlikely to improve Air Quality. At best they will maintain the status quo. Several items in the Circulation Element starting on page 73 are likely to actually improve air quality, *if implemented*. The City should provide a linkage between these goals. B17

[1] As defined in District Regulations for stationary sources.

Page 54 Program OS-8.2.2: (Wood fired equipment). The District believes that this program should be divided into two separate programs. B18

The first program should address wood burning devices in residences and commercial buildings.

The second program should address industrial wood burning equipment. The District believes that the ban in the second part of OS-8.2.2 on woodburning devices in industrial projects is likely to be challenged in court. This program would be a city ordinance and without an MOU in place the District would not have the legal authority to enforce it. Wood fired boilers are very common and the District is not aware of any jurisdiction that has banned their use. In fact the use of wood-fired boilers has been encouraged as being less polluting than gas or oil fired boilers.

Page 54 Program OS-8.2.3 (BACT). The implementation of BACT standards on all sources is not required by Federal, State or District ordinances in Fort Bragg. Some facilities are required to use BACT based on their level of emissions while others are allowed to use other control technologies. Again the District cannot and will not enforce a locally adopted ordinance without an MOU in place. If this program is adopted the City will have to assume responsibility for it's enforcement. Any permitted source will still have to comply with any and all Federal, State and District regulations, as required by law, even if they conflict with the City's BACT program. B19

Page 54 Program 0S-8.2.4 (Asphalt Batch Plants). The District cannot and will not enforce a locally adopted ordinance without an MOU in place. If this program is adopted the City will have to assume responsibility for it's enforcement. Any permitted source will still have to comply with any and all Federal, State and District regulations, as required by law, even if they conflict with the City's Batch Plant restrictions. The District cannot refuse to issue a District or Federal permit to a facility because of a City ordinance. It may only do so if the facility does not meet Federal, State and District Requirements. B20

Industrial Permitting in General - The city has it's own land use permitting authority and zoning regulations that can be used to restrict industrial development, including rezoning. The District suggests that the City use these tools to limit or eliminate industrial development as it sees fit. It is not proper to use Air Quality to attempt to shut down industrial sources that currently comply with all Federal, State and District regulations in the City of Fort Bragg. It the City Council wishes to restrict or eliminate industrial development that can be done using the City's own zoning authority and land use planning powers. B21

Page 66 Policy C-1.1 Level of service. The District believes that LOS D is not acceptable for Highway One. Highway One is a major regional transportation corridor and should operate at LOS C or better, as the rest of the streets in the city. The level of traffic delays that are experienced with LOS D will result in increased exposure to 2 major air toxics, benzene and diesel particulate. Both of these substances are known carcinogens and especially impact young children. Benzene is present in gasoline and the emissions from gasoline fired engines. Diesel particulate results from combustion of diesel fuel in internal combustion engines. B22

Housing Element

Population projections (page 125) The City projects a population increase of 1,537 persons by the year 2010. Using the City's person per household figure of 2.38 (page 113) and available amount of residential zoned property in the City (maximum of 1192 new units - page 113) the District arrives at a population increase of 2741 persons. This figure is before the rather substantial residential annexations (White Ranch) and the Georgia Pacific property are added to the vacant land inventory. A reasonable read of this information leads to one of three conclusions – B23

1.) The city is expecting a much greater population increase than the housing element suggests.
2.) The city is expecting to leave large areas of vacant residentially zoned land inside the current city limits.
3.) The city has not compared the land use maps with the housing needs from the housing element.

Increases in population over the 2 percent population growth projected in the General Plan could have significant impacts on Air Quality. Attached are URBEMIS 7G model runs for a population increase of 1537 and a population increase of 2741. **In both cases the amount of additional emissions far exceeds the EPA definition of a "Major Source," such as Georgia-Pacific or Baxman.** These model runs only include residential development, not any commercial or retail development, which certainly can be expected to match or exceed the residential growth rate.

Enclosures

Enclosed is the latest available copy of the Mendocino County Emissions inventory. The District believes that the City and their consultants should review it. After a brief review the District hopes that the city will observe that industrial sources are a small (and strictly regulated) contributor to air pollution in the District when compared to automobiles and 'area' sources.

Also enclosed are copies of several items from the book "Air Quality Guidelines for General Plans" prepared by the San Joaquin Unified Air Pollution Control District. The City has been loaned a copy of this book by the District and the District encourages using it to develop General Plan Policies and Goals relating to Air Quality and Transportation.

Finally, the District is enclosing a list of all facilities in Fort Bragg that pay the air toxic "Hot Spot" fees required by AB 2588. This should give the city an idea of the location and types of business that potentially release air toxics in Fort Bragg. This information changes frequently and should not be regarded as anything more than a snapshot of current conditions.

The District looks forward to working with the city to help reduce and mitigate automobile emissions and other sources to improve local air quality.

Please contact the District at (707) 463-4354 with any questions.

Sincerely

Chris Brown AICP Air Quality Planner
Mendocino County Air Quality Management District

Enclosures
CDB^Planning/Fort Bragg General Plan EIR.doc

URBEMIS 7G For Windows 5.1.0

ile Name: C:\Program Files\URBEMIS 7G For Windows\Projects\Fort Bragg Pop
roject Name: Fort Bragg General Plan pop 1537
roject Location: Mountain Counties and Rural Counties

SUMMARY REPORT
(Tons/Year)

REA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	PM10	SOX
TOTALS (tpy, unmitigated)	87.22	4.65	173.08	26.02	0.43

PERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	PM10
TOTALS (tpy, unmitigated)	9.75	20.94	97.91	957.12

Population Increase
1537

URBEMIS 7G For Windows 5.1.0

'ile Name: C:\Program Files\URBEMIS 7G For Windows\Projects\Fort Bragg Pop 15
'roject Name: Fort Bragg General Plan pop 1537
'roject Location: Mountain Counties and Rural Counties

DETAIL REPORT
(Tons/Year)

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	PM10
'ingle family housing	6.11	13.42	62.75	613.40
partments low rise	3.64	7.52	35.16	343.72
'OTAL EMISSIONS (tons/year)	9.75	20.94	97.91	957.12

'oes not include correction for passby trips.
'oes not include double counting adjustment for internal trips.

'PERATIONAL (Vehicle) EMISSION ESTIMATES

nalysis Year: 2010 Temperature (F): 70 Season: Annual

MFAC Version: EMFAC7G (10/96)

ummary of Land Uses:

nit Type	Trip Rate	Size	Total Trips
ingle family housing	9.34 trips / dwelling units	368.00	3,437.12
partments low rise	6.42 trips / dwelling units	300.00	1,926.00

ehicle Assumptions:

leet Mix:

ehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
ight Duty Autos	55.00	1.16	98.58	0.26
ight Duty Trucks	30.00	0.13	99.54	0.33
edium Duty Trucks	3.00	1.44	98.56	-
ite-Heavy Duty Trucks	1.00	19.56	40.00	40.44
ed.-Heavy Duty Trucks	1.00	19.56	40.00	40.44
eavy-Heavy Trucks	5.00	-	-	100.00
rban Buses	2.00	-	-	100.00
otorcycles	3.00	100.00% all fuels		

ravel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
rban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
ural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
rip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
of Trips - Residential	32.9	18.0	49.1			

anges made to the default values for Area

ne landscape option switch changed from off to on.
ne consumer products option switch changed from off to on.
ne area souce mitigation measure option switch changed from on to off.
ne natural gas CO emission factor changed from 40 to 50.
ne natural gas ROG emission factor changed from 7.26 to 9.26.
ne natural gas NOx Residential emission factor changed from 94 to 100.
ne natural gas Nox Non-Residential emission factor changed from 100 to 110.
ne natural gas residential percentage changed from 100 to 90.
ne natural gas non-residential percentage changed from 100 to 95.
ne amount of wood burned per year changed from 1.48 to 1.7.
ne percentage of wood stoves changed from 35 to 50.
ne fireplace cords of wood burned changed from 1.48 to 1.7.
ne fireplace percentage of residential units changed from 10 to 20.
ne landscape length of the summer period (in days) changed from 180 to 100.
ne landscape year changed from 2000 to 2010.
ne consumer product persons per residential unit changed from 2.861 to 2.3.
anges made to the default values for Operations

ne pass by trips option switch changed from on to off.
ne mitigation option switch changed from on to off.
ne light duty auto percentage changed from 75.00 to 55.00.
ne light duty truck percentage changed from 10.00 to 30.00.
ne operational emission year changed from 2000 to 2010.
ne operational winter temperature changed from 75 to 50.
ne operational winter selection item changed from 6 to 2.
ne operational summer temperature changed from 75 to 70.
ne operational summer selection item changed from 6 to 4.
ne paved road percentage changed from 100 to 95.
ne unpaved road percentage changed from 0 to 5.
ne travel mode environment settings changed from both to: none

URBEMIS 7G For Windows 5.1.0

File Name: C:\Program Files\URBEMIS 7G For Windows\Projects\Fort Bragg Pop 27
Project Name: Fort Bragg General Plan pop ~~1537~~ 2741
Project Location: Mountain Counties and Rural Counties

SUMMARY REPORT
(Tons/Year)

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	PM10	SOX
TOTALS (tpy, unmitigated)	155.63	8.21	308.78	46.43	0.77

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	PM10
TOTALS (tpy, unmitigated)	16.22	34.35	160.59	1,569.94

Population Increase
2741

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	PM10
ingle family housing	9.58	20.92	97.81	956.22
partments low rise	6.65	13.43	62.78	613.72
OTAL EMISSIONS (tons/year)	16.22	34.35	160.59	1,569.94

oes not include correction for passby trips.
oes not include double counting adjustment for internal trips.

PERATIONAL (Vehicle) EMISSION ESTIMATES

nalysis Year: 2010 Temperature (F): 70 Season: Annual

MFAC Version: EMFAC7G (10/96)

ummary of Land Uses:

nit Type	Trip Rate	Size	Total Trips
ingle family housing	8.99 trips / dwelling units	596.00	5,358.04
partments low rise	5.77 trips / dwelling units	596.00	3,438.92

ehicle Assumptions:

leet Mix:

ehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
ight Duty Autos	55.00	1.16	98.58	0.26
ight Duty Trucks	30.00	0.13	99.54	0.33
edium Duty Trucks	3.00	1.44	98.56	-
ite-Heavy Duty Trucks	1.00	19.56	40.00	40.44
ed.-Heavy Duty Trucks	1.00	19.56	40.00	40.44
eavy-Heavy Trucks	5.00	-	-	100.00
:ban Buses	2.00	-	-	100.00
otorcycles	3.00	100.00% all fuels		

:avel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
:ban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
ıral Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
:ip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
of Trips - Residential	32.9	18.0	49.1			

hanges made to the default values for Area

he landscape option switch changed from off to on.
he consumer products option switch changed from off to on..
he area souce mitigation measure option switch changed from on to off.
he natural gas CO emission factor changed from 40 to 50.
he natural gas ROG emission factor changed from 7.26 to 9.26.
he natural gas NOx Residential emission factor changed from 94 to 100.
he natural gas Nox Non-Residential emission factor changed from 100 to 110.
he natural gas residential percentage changed from 100 to 90.
he natural gas non-residential percentage changed from 100 to 95.
he amount of wood burned per year changed from 1.48 to 1.7.
he percentage of wood stoves changed from 35 to 50.
he fireplace cords of wood burned changed from 1.48 to 1.7.
ne fireplace percentage of residential units changed from 10 to 20.
ne landscape length of the summer period (in days) changed from 180 to 100.
ne landscape year changed from 2000 to 2010.
ne consumer product persons per residential unit changed from 2.861 to 2.3.
nanges made to the default values for Operations

ne pass by trips option switch changed from on to off.
ne mitigation option switch changed from on to off.
ne light duty auto percentage changed from 75.00 to 55.00.
ne light duty truck percentage changed from 10.00 to 30.00.
ne operational emission year changed from 2000 to 2010.
ne operational winter temperature changed from 75 to 50.
ne operational winter selection item changed from 6 to 2.
ne operational summer temperature changed from 75 to 70.
ne operational summer selection item changed from 6 to 4.
ne paved road percentage changed from 100 to 95.
ne unpaved road percentage changed from 0 to 5.
ne travel mode environment settings changed from both to: none

prepared a report on the San Joaquin Valley Transportation Control Measure Program. This program uses a two phase approach to implement TCMs in the Valley. The first phase provides guidance, in the form of the TCM Report, on TCM effectiveness, implementation, funding, monitoring and enforcement. This information will be used by RTPAs, cities, and counties in developing specific local TCM implementation plans. The second phase will require each jurisdiction to make specific commitments to implement TCMs. As part of phase one, the RTPAs and the District identified the TCMs listed in Table III-1 as most feasible for the San Joaquin Valley. This table also lists actions local government may take to implement TCMs.

Table III-1

Local Actions for Implementing TCMs

Traffic Flow Improvements - Cities and counties determine need for improvements to local roads. Control long range capital improvement budgets. Ensure improvements do not degrade pedestrian access and bicycle use. Flow improvements are considered TCMs, but capacity increases are not.

Public Transit - Identify transit corridors in circulation element. Require new development in communities that have or should have fixed routes to provide transit facilities as mitigation. Design and construct streets to support transit. Plan adequate densities in transit corridors.

Passenger Rail - Protect right of ways. Plan rail stations and surrounding area to encourage access and use.

Rideshare Program - Provide rideshare coordinator for government employees. Provide rideshare incentives. Provide facilities that encourage the use of alternative transportation modes at employment sites.

Park and Ride Lots - Identify sites on the land use plan and circulation plan. Require dedication of sites as mitigation.

Bicycling Program - Prepare comprehensive bikeways plan. Fund construction of bikeways and paths. Require bicycle support facilities as mitigation.

Trip Reduction Ordinances - Cities/Counties can adopt an ordinance at least as stringent as the District's Rule 9001. Require new development to provide infrastructure supportive of alternative modes of transportation.

Telecommunication - Use telecommunications equipment for meetings and to allow employees to work at home or off-site. Require fiberoptic wiring for new development. Require telecommuting centers as mitigation.

Alternative Work Schedules - Encourage local agencies to adopt alternative work schedule policies for more employees.

Market-Based Transportation Measures

There is considerable interest by regulatory agencies and potentially regulated interest groups in developing mobile source programs that rely on market-based measures to change travel behavior. Market-based programs place a cost on using a motor vehicle that may have previously been unaccounted for or was subsidized in some way. Examples of market-based measures are gas taxes, vehicle registration fees based on emissions and miles traveled, parking charges and limits, and toll roads. These programs provide an economic disincentive for people to use their car and make the people who continue to drive pay more for the privilege of polluting the air. Positive incentives can be provided in the form of tax incentives for the purchase of low or zero emission vehicles, and in employer-based programs such as cash incentives for ridesharing, transit subsidies, and parking cash outs. Another form of incentive is based on time advantages. For example, the faster speeds possible in High Occupancy Vehicle Lanes (HOVs) due to lower congestion provide a time incentive for people to carpool or to use transit.

Market-based measures are appealing because they place the responsibility for traffic congestion and air pollution on the vehicle user instead of on a third party such as a developer or business owner. Some indirect source and air quality mitigation programs charge the developer an impact fee based on project impacts. These costs are passed on by the developer or business owner to vehicle users in the form of higher home prices and higher prices for goods and services. However, these costs are not visible to the individual and have no influence on travel behavior except to the extent that the vehicle owners have less money to use for transportation. Under both market-based and fee-based programs, money collected is used to in some way offset traffic and air quality impacts.

There are several concerns with using market-based measures. The impacts of measures that increase the cost of driving fall most heavily on the poorest members of society. This will be especially true in areas where adequate alternatives to the personal car are not readily available. Another problem is elasticity of demand for motor vehicle use. The cost of persuading a significant number of people from using their cars and into using alternative modes is not well known and could be quite high. Finally, the economic disincentives amount to user fees that will reduce funds available for personal spending and economic growth.

If market-based measures are adopted, the land use, transportation, and air quality link becomes even more important. If the land use patterns and transportation infrastructure are constructed in ways that are supportive of alternatives to the single occupant motor vehicle, affordable options will be available for those priced out of the market. If the transportation options are convenient and time competitive, less incentives and disincentives should be needed to change people's travel behavior, thereby reducing potential economic disruptions.

TOXIC AND HAZARDOUS EMISSIONS

Issues:

Public concern over exposure to toxic and hazardous emissions has never been greater. Past siting decisions for industrial and residential development have created conflicts where none should have existed. Providing appropriate areas for all types of development can minimize conflicts and promote economic growth.

Goal 3: **Minimize exposure of the public to toxic air pollutant emissions and noxious odors from industrial, manufacturing, and processing facilities.**

Objective 3a To provide adequate sites for industrial development while minimizing the health risks to people resulting from industrial toxic or hazardous air pollutant emissions.

Policy 27 The City/County of _____ shall require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources toxic emissions such as freeways, major arterials, industrial sites and hazardous material locations.

Note: This policy is intended to protect existing residential development and other sensitive receptors from conflicts with new industrial development. The types of businesses that are categorized as point sources are often incompatible with residential uses for a number of reasons including noise, truck traffic, visual concerns, and air quality. These are not the types of businesses encouraged for mixed-use developments or for commercial/office activity centers where we would expect more people to walk to work. The policy recognizes that businesses that are point sources are vital to the economy of the San Joaquin Valley and will be built, but that cities and counties must use care in planning their sites to avoid conflicts.

Implementation Strategies:

Consult with the SJVUAPCD to identify sources of toxic air emissions and determine the need for and requirements of a health risk assessment for the proposed development. Consult with project proponents during the pre-application review process to avoid inappropriate uses at affected sites and during the environmental review process for general plan amendments and general plan updates.

Use District stationary source and air toxics location data in a geographic information system. A ~~valley-wide~~ GIS system that could contain this information is now ~~in the early planning phase~~.

FN development
District

Policy 28 The City/County of _____ shall require new air pollution point sources such as, but not limited to, industrial, manufacturing, and processing facilities to be located an adequate distance from residential areas and other sensitive receptors.

Implementation Strategies:

Require project proponents to prepare health risk assessments in accordance with SJVUAPCD recommended procedures as part of environmental review when the proposed industrial process has associated air toxic emissions that have been designated by the state or federal government as a toxic air contaminant.

Designate adequate industrial land in areas downwind and well separated from sensitive uses. Designate non-sensitive land uses for areas surrounding industrial sites. Protect vacant industrial sites from encroachment by residential or other sensitive uses through appropriate zoning.

Air Quality Benefits:

The policies in this section focus on adequately separating people from industrial processes that emit toxic and hazardous emissions. Although the best way to reduce exposure to these emissions is through source reduction, that program is the responsibility of the SJVUAPCD. The role of cities and counties is to plan the arrangement of land uses to minimize exposure.

Although emissions are not reduced by the policies in this section, the real and perceived benefits to the community can be significant. The public often places higher importance on the potential for industrial toxic emissions to cause small increases in the risk of cancer and birth defects than it does on the long term chronic effects of high ozone, CO, and PM_{10} levels. The policies in this section, if properly implemented, will help minimize the health risks associated with exposure to toxic and hazardous air contaminant emissions.

Land use decisions can also raise or lower the potential for acute toxic incidents from accidental chemical spills and gas releases. Industries using and storing extremely hazardous materials should also be located well away from concentrations of people. Programs to manage hazardous materials and to reduce the potential of acute toxic incidents are usually the responsibility of local fire departments.

By protecting industry from encroachment by residential development, local government can help to foster economic growth. Proper planning can avoid industrial/residential conflicts, reducing the potential for litigation and nuisance complaints. This can help communities to retain or attract industrial development.

Programs in Operation:

The SJVUAPCD has implemented a comprehensive toxics program. The District's mandates are from AB 1807 Tanner Air Toxics Act, AB 2588 Air Toxics "Hot Spots" Information and Assessment Act, AB 3205 Toxic Emissions Near Schools, SB 1731 "Hot Spots" Risk Reduction Mandates, the Federal Clean Air Act Amendments Title III, and other laws. These bills require inventories, public notification, health risk assessments, and risk reduction under certain circumstances.

The District has recently amended its Public Notification Procedures Document mandated by AB 2588. The new procedures place additional requirements on certain sources of toxic emissions and on the District. Facilities with theoretical risks greater than specified significance thresholds for which there are no receptors within the impacted area at the present time are deemed potentially significant. An example is an existing chemical manufacturing plant with no development nearby. Under the new notification procedures, the District will notify all land owners and land use agencies within the impacted area that there is a source of toxic emissions in the vicinity. This will allow decision makers to take this information into account when making land use decisions involving new sensitive uses. The procedures also require the operator of a potentially significant source to notify the District within 60 days after a receptor locates within the area impacted by the source. An example is the construction of a residential subdivision near an existing source of toxic emissions like a refinery or a chemical plant. This triggers requirements for the toxic source to submit emissions data, prepare a health risk assessment, and for facilities that pose a significant risk to implement measures to reduce emissions.

The District has an internal referral process where development projects identified by District CEQA staff during CEQA review as having potential toxic emissions are sent to the Toxic Assessment staff for review and comment. The Toxics Assessment staff may identify projects that require health risk assessments and other actions mandated by state and federal law.

Resources:

The San Joaquin Valley Unified APCD's Air Toxics Section can provide information regarding this program. The Toxics Assessment Section may be reached at (209)497-1000.

Policy 43 The City/County of _____ shall promote the downtown (or village centers) as the primary pedestrian-oriented, commercial and financial center(s) in the city/community.

Implementation Strategies:

Designate a central core of the city for high-density and mixed-use development. Discourage high intensity office and commercial uses from locating outside of designated centers or downtown.

Provide financial incentives and density bonuses to entice development within the designated central core of the city.

Cities with declining downtown areas should consider recycling underutilized and abandoned uses with new uses that compliment the area. Avoid designating competing uses on the edge of the city and in unincorporated areas.

Air Quality Benefits:

A healthy downtown business district provides a concentration of activities that increase potential transit use for commute trips and in some cases shopping trips. High employment densities help support retail and service businesses, allowing people working downtown to walk for day time errands and lunch trips.

A survey of suburban office workers found that about half left their building during the day. In an area with mixed-use high-density development and pedestrian facilities, 25 percent of the trips were made on foot, compared to 6 percent in a more homogenous, sprawling area (CEC 1993).

A village center can be the focus of community activity, providing a variety of complimentary destinations within walking or cycling distance of village residences. Trip reductions of 30 percent were estimated in a Kern County new town project utilizing the village concept.

A study comparing the travel mode choices of inhabitants of a proposed "Suburban Village Center" in Stockton, California estimated a 33 percent reduction in VMT and 13 percent fewer daily automobile trips when compared to a typical suburban community. The study attributed the reduction of VMT to a Suburban Village Center's "more densely located compatible land uses and more convenient presentation of alternative modes" (Fehr & Peers 1992).

Programs in Operation:

The City of Orlando, Florida has implemented a similar policy of providing density bonuses for development in their downtown. Most cities in the San Joaquin Valley have policies and programs to support or revitalize their downtown areas.

The village concept was the basis of the recently approved San Emidio New Town Specific Plan in Kern County. The plan provides electric golf carts with each residence and separate paths leading from residences to the village center. Roadways are designed to be shared with bicyclists. Traffic studies for the project estimate about a 30 percent reduction in trips over conventional development.

The Metropolitan Bakersfield 2010 General Plan promotes a centers concept with downtown as the primary center and several suburban centers based on educational institutions and business centers.

The City of Sacramento has plans to recycle outmoded industrial areas adjacent to downtown with new office, commercial, and public facilities. The site will be served by light rail.

Resources:

San Emidio New Town Specific Plan, Kern County Department of Planning and Development Services, 2700 "M" Street, Suite 100, Bakersfield, CA 93301 (805)861-2615

Policy 44 The City/County of _____ shall plan adequate neighborhood commercial shopping areas to serve new residential development.

Note: Neighborhood commercial has different meanings in different jurisdictions. For the purposes of this document, neighborhood commercial includes shops and services now found in supermarket anchored shopping centers as well as convenience retail found in small strip malls.

Implementation Strategy:

Designate commercial areas during general plan updates and when developers initiate general plan amendments.

Provide materials on successful mixed-use developments to project applicants in areas designated for commercial land uses. Such materials could include the TOD Design Guidelines prepared for Sacramento County (1990).

Adopt zoning regulations that permit upper story residential uses in neighborhood shopping areas. These upper story uses can include residential and office. The City of San Diego TOD Design Guidelines (1992) provide a good example of this type of community design.

Air Quality Benefits:

Nationwide, 38 percent of all vehicle trips are for shopping or personal business and about 60 percent of these trips are between 1/2 mile and 5 miles in length. By providing the most frequently needed products and services close to residences and by providing direct, safe, and interesting pedestrian or bicycle routes to the commercial area, travel can be reduced. Surveys conducted in five US cities indicated that 70 percent of people surveyed would be willing to walk or bicycle for personal business and shopping trips if the trips were reduced to 1/2 mile in length and bicycle paths and pedestrian walkways were provided (CEC 1993).

Programs in Operation:

See Policy 38

Resources:

See Policy 38

Policy 45 The City/County of _____ shall encourage subdivision designs that provide neighborhood parks in proximity to activity centers such as schools, libraries and community centers.

Implementation Strategy:

Designate park sites during general plan updates and when processing large general plan amendments. Require developers to dedicate park sites at the most advantageous locations as a condition of approval of subdivision maps.

Prepare comprehensive community plans or specific plans designating community amenities at sites that are accessible by walking and bicycling.

Air Quality Benefits:

Public parks are often the primary pedestrian amenity for a community or neighborhood. The foot traffic and socializing created by the parks can carry over to adjacent or nearby public and commercial uses. The design and location of the park is very important to its usefulness as a pedestrian destination and activity center. Parks should be visually accessible from the neighborhood and frequently used to encourage a feeling of ownership (Weissman 1992).

EMISSIONS BY CATEGORY

2001 ESTIMATED ANNUAL AVERAGE EMISSIONS

MENDOCINO COUNTY

All emissions are represented in Tons per Day and reflect the most current data provided to ARB
Download this data as a comma delimited file.

STATIONARY SOURCES							
SUMMARY CATEGORY NAME	*TOG*	*ROG*	*CO*	*NOX*	*SOX*	*PM*	*PM10*
FUEL COMBUSTION							
ELECTRIC UTILITIES	-	-	-	-	-	-	-
COGENERATION	-	-	-	-	-	-	-
OIL AND GAS PRODUCTION (COMBUSTION)	-	-	-	-	-	-	-
PETROLEUM REFINING (COMBUSTION)	-	-	-	-	-	-	-
MANUFACTURING AND INDUSTRIAL	0.65	0.29	3.27	0.92	0.37	0.62	0.61
FOOD AND AGRICULTURAL PROCESSING	0.07	0.06	0.09	-	0.05	0.09	0.09
SERVICE AND COMMERCIAL	0.01	0.00	0.02	0.09	0.00	0.00	0.00
OTHER (FUEL COMBUSTION)	-	-	-	-	-	-	-
*** TOTAL FUEL COMBUSTION**	0.73	0.35	3.38	1.01	0.42	0.71	0.70
WASTE DISPOSAL							
SEWAGE TREATMENT	-	-	-	-	-	-	-
LANDFILLS	9.34	0.12	-	-	-	-	-
INCINERATORS	-	-	-	-	-	-	-
SOIL REMEDIATION	-	-	-	-	-	-	-
OTHER (WASTE DISPOSAL)	-	-	-	-	-	-	-
*** TOTAL WASTE DISPOSAL**	9.34	0.12	-	-	-	-	-
CLEANING AND SURFACE COATINGS							
LAUNDERING	0.12	0.00	-	-	-	-	-
DEGREASING	0.42	0.34	-	-	-	-	-
COATINGS AND RELATED PROCESS SOLVENTS	0.78	0.74	-	-	-	-	-
PRINTING	-	-	-	-	-	-	-
ADHESIVES AND SEALANTS	0.05	0.04	-	-	-	-	-
OTHER (CLEANING AND SURFACE COATINGS)	-	-	-	-	-	-	-
*** TOTAL CLEANING AND SURFACE COATINGS**	1.37	1.12	-	-	-	-	-
PETROLEUM PRODUCTION AND MARKETING							
OIL AND GAS PRODUCTION	-	-	-	-	-	-	-

PETROLEUM REFINING	-	-	-	-	-	-	-
PETROLEUM MARKETING	0.36	0.36	-	-	-	-	-
OTHER (PETROLEUM PRODUCTION AND MARKETING)	-	-	-	-	-	-	-
*** TOTAL PETROLEUM PRODUCTION AND MARKETING**	0.36	0.36	-	-	-	-	-
INDUSTRIAL PROCESSES							
CHEMICAL	-	-	-	-	-	-	-
FOOD AND AGRICULTURE	0.15	0.15	-	-	-	-	-
MINERAL PROCESSES	-	-	-	-	-	0.23	0.07
METAL PROCESSES	-	-	-	-	-	-	-
WOOD AND PAPER	-	-	-	-	-	0.20	0.12
GLASS AND RELATED PRODUCTS	-	-	-	-	-	-	-
ELECTRONICS	-	-	-	-	-	-	-
OTHER (INDUSTRIAL PROCESSES)	-	-	-	-	-	0.32	0.19
*** TOTAL INDUSTRIAL PROCESSES**	0.15	0.15	-	-	-	0.75	0.38
**** TOTAL STATIONARY SOURCES**	11.96	2.11	3.38	1.01	0.42	1.46	1.08
AREA-WIDE SOURCES							
SUMMARY CATEGORY NAME	*TOG*	*ROG*	*CO*	*NOX*	*SOX*	*PM*	*PM10*
SOLVENT EVAPORATION							
CONSUMER PRODUCTS	0.86	0.72	-	-	-	-	-
ARCHITECTURAL COATINGS AND RELATED PROCESS SOLVENTS	0.34	0.33	-	-	-	-	-
PESTICIDES/FERTILIZERS	0.34	0.34	-	-	-	-	-
ASPHALT PAVING / ROOFING	0.99	0.99	-	-	-	-	-
REFRIGERANTS	-	-	-	-	-	-	-
OTHER (SOLVENT EVAPORATION)	-	-	-	-	-	-	-
*** TOTAL SOLVENT EVAPORATION**	2.54	2.39	-	-	-	-	-
MISCELLANEOUS PROCESSES							
RESIDENTIAL FUEL COMBUSTION	2.56	1.13	15.70	0.43	0.22	2.59	2.42
FARMING OPERATIONS	-	-	-	-	-	0.18	0.08
CONSTRUCTION AND DEMOLITION	-	-	-	-	-	2.61	1.28
PAVED ROAD DUST	-	-	-	-	-	4.33	1.98
UNPAVED ROAD DUST	-	-	-	-	-	21.92	13.03
FUGITIVE WINDBLOWN DUST	-	-	-	-	-	0.36	0.21
FIRES	0.00	0.00	0.02	0.00	-	0.00	0.00
WASTE BURNING AND DISPOSAL	0.48	0.22	3.48	0.06	0.01	0.35	0.34
UTILITY EQUIPMENT	-	-	-	-	-	-	-
COOKING	0.02	0.02	-	-	-	0.07	0.05

OTHER (MISCELLANEOUS PROCESSES)	-	-	-	-	-	-	-
*** TOTAL MISCELLANEOUS PROCESSES**	3.06	1.37	19.20	0.50	0.23	32.40	19.38
**** TOTAL AREA-WIDE SOURCES**	5.60	3.76	19.20	0.50	0.23	32.40	19.38
MOBILE SOURCES							
SUMMARY CATEGORY NAME	*TOG*	*ROG*	*CO*	*NOX*	*SOX*	*PM*	*PM10*
ON-ROAD MOTOR VEHICLES							
LIGHT DUTY PASSENGER (LDA)	2.67	2.49	19.50	1.76	0.01	0.04	0.04
LIGHT AND MEDIUM DUTY TRUCKS	-	-	-	-	-	-	-
LIGHT DUTY TRUCKS - 1 (LDT1)	1.20	1.12	10.75	0.93	0.00	0.01	0.01
LIGHT DUTY TRUCKS - 2 (LDT2)	0.74	0.68	6.84	0.92	0.00	0.03	0.03
MEDIUM DUTY TRUCKS (MDV)	0.90	0.84	9.29	0.94	0.00	0.02	0.02
HEAVY DUTY GAS TRUCKS (ALL)	-	-	-	-	-	-	-
LIGHT HEAVY DUTY GAS TRUCKS - 1 (LHDV1)	0.59	0.55	3.66	0.19	-	0.00	0.00
LIGHT HEAVY DUTY GAS TRUCKS - 2 (LHDV2)	0.03	0.03	0.24	0.03	-	-	-
MEDIUM HEAVY DUTY GAS TRUCKS (MHDV)	0.34	0.31	2.26	0.12	-	-	-
HEAVY HEAVY DUTY GAS TRUCKS (HHDV)	0.18	0.17	2.54	0.11	-	-	-
HEAVY DUTY DIESEL TRUCKS (ALL)	-	-	-	-	-	-	-
LIGHT HEAVY DUTY DIESEL TRUCKS - 1 (LHDV1)	0.00	0.00	0.01	0.04	-	0.00	0.00
LIGHT HEAVY DUTY DIESEL TRUCKS - 2 (LHDV2)	0.01	0.01	0.01	0.07	0.00	0.00	0.00
MEDIUM HEAVY DUTY DIESEL TRUCKS (MHDV)	0.01	0.01	0.08	0.43	0.00	0.01	0.01
HEAVY HEAVY DUTY DIESEL TRUCKS (HHDV)	0.12	0.10	0.45	2.30	0.02	0.06	0.06
MOTORCYCLES (MCY)	0.11	0.10	0.57	0.02	-	-	-
HEAVY DUTY DIESEL URBAN BUSES (UB)	0.00	0.00	0.01	0.06	0.00	0.00	0.00
HEAVY DUTY GAS URBAN BUSES (UB)	0.00	0.00	0.08	0.01	-	-	-
SCHOOL BUSES (SB)	0.01	0.01	0.08	0.02	-	0.00	0.00
MOTOR HOMES (MH)	0.01	0.01	0.32	0.04	-	-	-
OTHER (ON-ROAD MOTOR VEHICLES)	-	-	-	-	-	-	-
*** TOTAL ON-ROAD MOTOR VEHICLES**	6.92	6.44	56.70	7.98	0.04	0.19	0.19
OTHER MOBILE SOURCES							
AIRCRAFT	0.01	0.01	0.39	0.00	-	-	-
TRAINS	0.02	0.02	0.06	0.44	0.02	0.03	0.03
SHIPS AND COMMERCIAL BOATS	0.14	0.13	0.37	0.71	0.11	0.08	0.08
RECREATIONAL BOATS	1.41	1.30	5.45	0.17	0.00	0.09	0.08
OFF-ROAD RECREATIONAL VEHICLES	0.09	0.09	0.87	0.02	0.00	0.00	0.00
OFF-ROAD EQUIPMENT	1.05	0.94	7.31	2.87	0.37	0.20	0.20
FARM EQUIPMENT	0.18	0.16	1.10	1.18	0.15	0.08	0.08

FUEL STORAGE AND HANDLING	0.33	0.33	-	-	-	-	-
OTHER (OTHER MOBILE SOURCES)	-	-	-	-	-	-	-
*** TOTAL OTHER MOBILE SOURCES**	3.24	2.97	15.56	5.39	0.67	0.47	0.46
**** TOTAL MOBILE SOURCES**	10.16	9.41	72.26	13.38	0.71	0.66	0.65
NATURAL (NON-ANTHROPOGENIC) SOURCES							
SUMMARY CATEGORY NAME	*TOG*	*ROG*	*CO*	*NOX*	*SOX*	*PM*	*PM10*
NATURAL SOURCES							
GEOGENIC SOURCES	-	-	-	-	-	-	-
WILDFIRES	0.42	0.24	6.58	0.30	-	1.34	1.29
WINDBLOWN DUST	-	-	-	-	-	-	-
OTHER (NATURAL SOURCES)	-	-	-	-	-	-	-
*** TOTAL NATURAL SOURCES**	0.42	0.24	6.58	0.30	-	1.34	1.29
**** TOTAL NATURAL (NON-ANTHROPOGENIC) SOURCES**	0.42	0.24	6.58	0.30	-	1.34	1.29
GRAND TOTAL FOR MENDOCINO	28.15	15.52	101.43	15.19	1.36	35.86	22.40

BUSNAME	BUSADDR	BUSCITY	BUSZIP
Accu-Tech Auto Body	201 Cypress Street	Fort Bragg	95437
Baxman Gravel	1221 North Main Street	Fort Bragg	95437
CDF - Chamberlain Creek	15800 Hwy 20	Fort Bragg	95437
CDF - Parlin Fork	23000 Hwy 20	Fort Bragg	95437
CDF-Fort Bragg	802 N. Main Street	Fort Bragg	95437
Coast Cleaners	327 N. Franklin St.	Fort Bragg	95437
Dept of Parks & Rec/McKerricker	24100 McKerricher Road	Fort Bragg	95437
Dolphin Isle Marina RV Park	32399 Basin Street	Fort Bragg	95437
Fort Bragg Circle K	1004 South Main Street	Fort Bragg	95437
Fort Bragg Marine	32310 N. Harbor Dr.	Fort Bragg	95437
Fort Bragg Oil	18770 N. Highway 1	Fort Bragg	95437
Gas & Grub	863 N. Main Street	Fort Bragg	95437
Georgia Pacific, Fort Bragg	90 West Redwood Avenue	Fort Bragg	95437
Jack Luoma's Muffler Shop	110 Manzanita	Fort Bragg	95437
Mendocino Coast Petroleum, Inc.	720 N. Franklin Street	Fort Bragg	95437
Mendocino Forest Products Co, LLC	Gibney Lane	Fort Bragg	95437
Pacific Auto Body	746 N. Main St.	Fort Bragg	95437
Polly Cleaners	930 N. Franklin St.	Fort Bragg	95437
Redwood Oil Company	810 South Main Street	Fort Bragg	95437
Rinehart Dist./Fort Bragg Exxon	700 South Main St.	Fort Bragg	95437
Rose Memorial Park	760 N. Franklin Street	Fort Bragg	95437
Severi's Service	105 N. Main Street	Fort Bragg	95437
Steve's Body Shop	17830 N. Highway 1	Fort Bragg	95437
Tesoro # 67063	18475 N. Highway 1	Fort Bragg	95437
Tosco Corp/Tony's Union 76	225 N. Main Street	Fort Bragg	95437
Walsh Oil Company, Inc.	635 N. Franklin Street	Fort Bragg	95437
Walsh Oil Company, Inc.	824 N. Franklin St.	Fort Bragg	95437
Walsh Oil/One Stop Shop	145 South Main Street	Fort Bragg	95437

Response to Letter from Chris Brown, Mendocino County Air Quality Management District

B1. The comment is noted for the record. The commentor will note that this is a statement made by others and not the EIR. As is stated on page 53, the cited areas of controversy are not the opinion or conclusions of the EIR preparers.

B2. The correction is hereby made as requested. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B3. The commentor's opinion is noted for the record. It is noted that this description of the setting for Air Quality was taken from previous project EIRs prepared by our firm for projects in Fort Bragg. These EIRs contained the same statements, and they were not commented on by the AQMD. As such, the EIR preparers believed they were still accurate. The text will be changed to state: *While winds are more likely to distribute pollution generated in Fort Bragg to inland areas, pollution generated in the City is of serious concern to the AQMD.* This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B4. A new subsection will be added to the end of Section A.1 on page 148 that includes the language in this comment. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B5. The comment is noted for the record. The DEIR does address the issue of localized concentrations of air pollutants (see page 154 of the DEIR). The DEIR does not address air toxics other than diesel particulates since an assessment of possible future industrial or other projects that might generate such air toxics would be speculative. However, programs under Policy OS-8.2 do address this issue by requiring new projects to comply with all AQMD regulations and guidelines, screening new businesses for air pollutant emissions, and requiring BACTs to control emissions from new industrial projects.

B6. The text is hereby changed to add Willits as a monitoring location for gaseous pollutants. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B7. The comment will be added to the end of the first paragraph on page 152 of the DEIR. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B8. The comment will replace the first full paragraph on page 153 of the DEIR. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B9. The disagreement is noted for the record. However, the EIR preparers would note that the comment appears to conflict with the previous Comment No. 5 wherein the commentor states that public health is more likely to be impacted by air toxics and localized concentrations of air pollution. The EIR preparers agree that reduction in emissions is the solution to air pollution. The Draft General Plan contains many policies and programs that are aimed at reducing these emissions;

see page 155 for a list of some of those policies and programs. Also see subsequent responses to the commentor's comments on the Draft General Plan for a discussion of how Draft General Plan policies and programs would reduce emissions.

B10. It is true that future development would increase congestion and result in higher emissions of diesel particulates. However, given the announced closing of the Georgia-Pacific Mill, the number of large truck trips into and through the center of Fort Bragg is expected to substantially decrease. It is likely that any increase in diesel particulate emissions from an increased number of commercial deliveries would be less than the emissions generated by logging trucks and other heavy equipment used on or associated with the Georgia-Pacific Mill.

B11. The opinion is noted for the record. Because the policies listed on page 155 are parts of the Draft General Plan and thus inherently part of the "project" (though the DEIR identifies them as mitigation measures to show how the impacts would be mitigated by General Plan policies and programs), the impact would be less than significant. The City may wish to accept the AQMD's advice and designate Impact 4.6-A as potentially significant prior to mitigation. In that case, as noted by the commentor, the policies and programs of the Draft General Plan would reduce the impact to a less than significant level.

B12. The EIR preparers apologize for this error. The cited statement was our understanding of the situation as it was reported to us. The third sentence of paragraph 1 under Impact 4.6-B shall be deleted and replaced with sentences 2 and 3 of the comment. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B13. The EIR preparers apologize for this error. The cited statement was our understanding of the situation as it was reported to us. The second sentence of paragraph 2 under Impact 4.6-B will be deleted and replaced with the following:

During the time period in questions, Georgia-Pacific was cited first for a nuisance violation caused by a boiler breakdown resulting in poor fuel-oil combustion and corresponding odor complaints. They were also cited for violations of fuel quality monitoring and reporting requirements.

References to particulates in the remainder of this paragraph will be deleted. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B14. In response to this comment, the following considerations are noted. First, if the powerhouse ceases operations in 2002 as proposed, then reactivation of that plant could be considered a new project. Second, the Draft General Plan contains Program LU-5.1.3 which would appear to apply to the powerhouse whether or not it is an existing project. Third, an EIR must assess cumulative impacts which consist of past, present, and foreseeable projects. The powerhouse's emissions of pollutants into the air would need to be assessed in combination with other projects to assess impacts to air quality.

B15. The comment is noted for the record. The second sentence under the "Impact Significance After Mitigation" is hereby deleted. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

B16. The following will be added to the discussion under Impact 4.6-C:

The use of unpaved roads and driveways generates dust which can produce not only localized air pollution but be transported by winds and exacerbate regional air quality problems. It is not expected that new development approved by the City would include unpaved streets or long, unpaved driveways, and this is not expected to be a significant impact for future development in Fort Bragg.

While dust generated by unpaved roads from new development is not expected to be a significant impact within the City, the City could consider adding the following program to Policy OS-2.1:

Program OS-8.2.6: The City will prohibit unpaved roads or driveways of more than 50 feet in all new development requiring discretionary approval by the City.

As previously noted, the Planning Commission and City Council have recommended this program be added to the Final General Plan. This change would not affect the analyses, conclusions, and recommendations of the DEIR.

The comments submitted by the commentor on the DEIR have resulted in a number of DEIR text changes as described above. However, these comments do not result in any new impacts or more significant impacts.

The remainder of the commentors' comments refer to the Draft General Plan and not the DEIR. While no response to these comments is required, the following responses are offered to assist the City in making a determination about the requests of the commentor.

B17. The EIR preparers disagree with the commentor that programs under Goal OS-8 would simply maintain the status quo. The fact that the City will adopt a Grading Ordinance that includes dust control provisions and not allow new woodburning devices that do not meet the most current EPA standards for residential development and prohibiting such devices in non-residential development (except for the existing or an upgraded powerhouse on the Georgia-Pacific property) would appear to be significant attempts to address the particulates issue formerly identified by the commentor. As the commentor states, there are a number of policies and programs in the Circulation Element that would improve air quality as well as Land Use policies that encourage infill.

B18. The commentor, as an expert in air quality law, could be correct regarding banning woodburning devices in industrial projects. While the District may not have the ability to enforce such a prohibition, this would not mean that the City may not assess this factor in determining whether to approve a proposed project. Given the concern about particulate pollution, it would appear that prohibiting the use of wood-fired devices for industrial development would be appropriate. It is possible that a future project may include a proposal to use woodburning boilers or other equipment. If the applicant for such a project could demonstrate that

such equipment would not emit particulates or other pollutants into the air, then the applicant could request a General Plan Amendment as regards Program OS-8.2.2. Alternatively, when the City revises its Zoning Ordinance, as required by the Program, it may include language to allow such devices if it can be shown that such devices are substantially pollution free. Also, see the proposed change to Program OS-8.2.2 described previously in the Changes to the Draft General Plan section of this FEIR.

B19. This comment is noted for the record. The City should work with the AQMD to establish the cited MOU. This would be a future implementing action of the policy. If such a MOU cannot be agreed on, then the City would have the responsibility for enforcing this program. If BACTs are not included in industrial project proposals, the City may decide not to approve such a project (consistent with other comments made by the commentor that projects emitting potentially toxic air contaminants should be separated from residential uses and other locations where people are present). Also, see the proposed change to Program OS-8.2.3 described previously in the Changes to the Draft General Plan section of this FEIR.

B20. This comment is noted for the record. The City should work with the AQMD to establish the cited MOU. If such a MOU cannot be agreed on, then the City would have the responsibility for enforcing this program. Whether or not an asphalt plant proposal could obtain a permit from the AQMD, the results of the air quality modeling and risk analysis required in Program 8.2.4 would be used by City decisionmakers to determine whether to approve the project (consistent with other comments made by the commentor that projects emitting potentially toxic air contaminants should be separated from residential uses and other locations where people are present).

B21. The comment is noted for the record. The Draft General Plan contains many restrictions on new industrial development to ensure that it does not harm adjacent residents and is compatible with surrounding land uses. For example, see Policies LU-5.2 and LU-5.3. Also see the exiting Zoning Ordinance regarding regulation of industrial activities. Air quality is not being used as a method of "shutting down" industrial facilities. On the contrary, the Draft General Plan supports new industrial development, as stated in Goal LU-5. The aim of the Draft General Plan is to promote new industrial activity which does not cause significant impacts to the environment, including the community's air quality.

B22. The comment is noted for the record. It is noted that portions of Highway One currently operate below LOS C. Congestion will increase with new development in the County's jurisdiction and increased tourist travel, whether or not any new development occurs in Fort Bragg. While it is true that LOS D conditions would increase air pollution, it is noted that it would not be feasible to improve and/or maintain LOS C on this Highway in the future without such major widening as to significantly alter the character of the community. The commentor also does not provide any quantitative data to show the differences in exposure nor the human health risk of those exposures for benzene and diesel particulates from operations at LOS C, D, E, or F. Finally, as described in Response B10 above, it is likely that future emission of diesel particulates will be less than the baseline conditions given closure of the Georgia-Pacific Mill as well as proposed improvements in diesel fuel and diesel engines.

B23. The Draft EIR makes projections for 10 years. While it is true there is adequate vacant land in the City and its Sphere of Influence to result in development that would exceed a population increase of 1,537 people, it is very unlikely such growth would occur during the timeframe of the Draft General Plan. In fact, the growth projections included in the DEIR are conservative and assume more growth than has historically occurred in Fort Bragg in the past 10 years. There is no conflict between the amount of vacant land and projected population increases. While there may be an additional increase, it would be after the timeframe of the Draft General Plan has lapsed and would be assessed in the subsequent General Plan Update and the EIR prepared for that Update.

The URBEMIS model runs are noted for the record. It is unclear from the raw data presented what the emissions would be from new development. It appears that the commentor is making the case that emissions from vehicles substantially exceed those from industrial sources in Fort Bragg. This may well be the case. The commentor then goes on to cite the "Air Quality Guidelines for General Plans." This document was reviewed when preparing the Draft General Plan, and the Draft General Plan contains most of the feasible methods (remembering that Fort Bragg is a small coastal community that has limited capability for alternative transit modes and that the Draft General Plan does not allow substantial amounts of new development). The EIR preparers would point to the following policies and programs of the Draft General Plan that are aimed at reducing future emission of pollutants into the air:

- The Draft General Plan increases the density of residential development in the Central Business District to allow as many as 40 units per net acre.
- The Draft General Plan encourages mixed use In the Central Business District.
- The Draft General Plan designates a substantial amount of land near the commercial centers and Main Street for multi-family development.
- The Draft General Plan contains numerous policies and programs to maintain and revitalize the Downtown area as the City's major commercial and civic center. Policies are included to maximize pedestrian use of the area. For example, see policies under Goal CD-2.

This focus on providing land and encouragement for multi-family development, especially near the existing commercial areas of Fort Bragg, would reduce dependence on motor vehicles to access work and shopping. These and other policies are consistent with the recommendations in the cited "Guidelines" (see the cited Policy 43).

The Draft General Plan contains substantive policies to expand the City's bikeway system to allow convenient and safe bicycle access to schools, the business centers, and parks (see the policies listed under Goal C-11 and Map C-2 in the Circulation Element). The Draft General Plan contains substantive policies to expand pedestrian facilities in the City (see policies under Goal C-10 in the Circulation Element). Finally, the Draft General Plan includes policies to support

MTA in providing bus transit through the City (see policies under Goal C-8). All these policies are intended to enhance the ability of Fort Bragg residents and visitors to use alternative transit modes, thereby decreasing emission of air pollutants. These policies are consistent with the "Local Actions for Implementing TCMs" listed in the cited "Guidelines."

The Draft Plan includes recommendations for seven new parks in the City. As shown on Map OS-2, five of these parks would be located near residential neighborhoods and commercial/office centers. Bikeways and sidewalks would link most of these new parks to residential areas and commercial/office centers. These policies and programs appear consistent with the cited "Guidelines" Policy 45.

Neighborhood shopping areas are allowed in all the residential land use designations other than the very low density designations which occur on the outskirts of the City. This is consistent with Policy 44 of the cited "Guidelines."

Regarding other cited "Local Actions for Implementing TCMs:"

- The Draft Plan includes policies and programs to improve traffic flow through the City.

- The Skunk Train right-of-way and operations would be supported.

- Bicycle, pedestrian, and mass transit would be encouraged and facilities expanded.

- The other recommend "Actions" are not appropriate for a city of Fort Bragg's size and economy. Park and ride lots are not necessary as the City does not support substantial long-range commuting. Rideshare programs would be difficult to use since, once Georgia-Pacific Mill closes, there are not large employers in the City. The use of telecommunication is a good idea, but difficult to mandate and likely of little use in Fort Bragg since it does not support a substantial "high tech" economy. It appears that the Draft General Plan includes all the recommended actions which are feasible or useful for a city like Fort Bragg.

As regards the two cited policies to separate industrial development from residential areas, the Draft Plan contains programs requiring new businesses to be screened for air pollutant emissions and hazardous materials (Program OS-8.2.3), mitigation for new asphalt plants (Program OS-8.2.5), and numerous programs controlling hazardous substances (programs under Policy SF-7.1 and Policy SF-7.2). The Heavy Industrial land use designation (page 12 of the Draft General Plan) requires heavy Industry to be separated from residential areas (and the Zoning Ordinance provides equivalent controls on odors and air pollution). It would appear that the policies and programs of the Draft General Plan plus provisions of the Zoning Ordinance would ensure that any industry generating odors or toxic air pollutants would be required to be mitigated and located away from residential development. In addition, as is described on page 102 of the cited "Guidelines," the recommended policies are mainly intended for major industrial facilities such as a refinery or chemical plant, projects which are not expected to

occur in Fort Bragg given its location, population, and the environmentally protective measures included in the Draft General Plan.

The City could include the cited Policies 27 and 28 in the "Guidelines" to further codify this protection, but such policies are not required to reduce air quality impacts to a less than significant level.

In summary, the Draft General Plan contains policies and programs consistent with the cited "Guidelines." It does not appear that other feasible policies or programs could be added that would result in any additional, substantial reduction in air pollution. The City of Fort Bragg will continue to grow resulting in increased use of motor vehicles. While the City can attempt to reduce the use of motor vehicles by constructing additional parks, sidewalks, and bikelanes and supporting increased use of mass transit, the primary method of reducing motor vehicle use is by designating higher density new development near commercial and employment centers. The designation of land for high density residential development near commercial and employment centers is one of the cornerstones of the current "smart growth" planning principles. This is a principal aim of the Draft General Plan which allows much of the new residential development as multi-family development between the two bridges and hear Main Street.

Subsequent conversations with the commentor indicated that the commentor agreed that the Draft General Plan does include policies that would reduce trips and air pollution. The commentor suggested that those policies be referenced under Goal OS-8 to further indicate the City's intention of improving air quality. As such, it is recommended that the following note be added below Program OS-8.2.5:

(Other policies aimed at reducing emissions of pollutants into the air include at least the following: Policy LU-1.1 promoting multi-family development near the main commercial areas of the City; the Land Use Designations allowing multi-family development in all Commercial designations; Policy LU-2 requiring development of a specific plan(s) for re-use of the Georgia-Pacific property; Policy LU-5.3 requiring that new industrial development not adversely impact air quality; Policy C-2.1 requiring intersection improvements to maintain acceptable levels of service for streets and intersections; Policy C-9.1 encouraging expansion of the use of mass transit; Policy C-10.1 requiring improvements to pedestrian facilities; and Policy C-11.1 requiring expansion of bicycling opportunities.)

The Planning Commission and City Council have approved this change.

SEP 2 6 2002

Local Agency Formation Commission
Of Mendocino County
200 S. School St. Suite 2
Ukiah, CA 95482
707 463 4470

C

September 25, 2002

Linda Ruffing
Community Development Director
Fort Bragg Community Development Dept.
416 N. Franklin St.
Fort Bragg, CA 95437

Dear Ms. Ruffing,

Thank you for the opportunity to comment on the City of Ft. Bragg's General Plan and Draft Environmental Impact Report. The following comments are meant to be informative, not critical of the General Plan or the CEQA document. My comments are primarily directed to annexation issues and informing you of LAFCO requirements for annexations. LAFCO is presently working on updating its Policy and Procedures. Once that is complete, I will send you a copy. Presently the CEQA Policy and Procedures proposed for adoption on Oct 7, 2002 are available at our website at www.mendolafco.org. I have labeled my comments with Roman numerals for purposes of tracking and presentation.

I. The General Plan indicates that there are potentially 12 annexation areas (Map LU-3) that the City of Ft. Bragg would be interested in annexing in the future. On page 18-19 you indicate the Annexation Standards that the City would require applicants to meet before annexation. Your standards are appropriate for the city and LAFCO does not have any comment for or against most of them. We would like to offer some comments as to the requirements of our process for your awareness.

While it is technically and legally possible that an applicant can seek LAFCO approval for an annexation before contacting the city by filing a petition with LAFCO, the practical reality is that LAFCO would not approve any annexation request without agreement by the city. If it is vacant land or substantially vacant we would require a development plan approved by the city before an application would be accepted.

Government Code Section 56375(a)(3) requires the "city prezone the territory to be annexed". The Commission cannot "specify how, or in what manner, the territory shall be prezoned" and the "decision of the commission with regard to a proposal to annex a territory to a city shall be based upon the general plan and the prezoning of the city." This therefore would mean that any applicant to LAFCO for an annexation would be directed to the city for whatever development process that the City would consider appropriate and because of the prezoning requirements the City would be the applicant to LAFCO.

This in turn would obviously mean that the City would need to be the lead agency for CEQA for the prezoning and any development process.

Your fourth bullet on page 18 indicates that, "All annexation applications shall include an environmental review document which provides disclosure of any potential adverse environmental impacts." LAFCO agrees that an environmental review would have to be conducted; we believe that the city, because of the prezoning requirement, would have to conduct the environmental review which would have to review the effects of prezoning, any development involved in the annexation and the environmental impacts of LAFCO's approval of a change of boundaries for the City.

For purposes of the record, I have included below LAFCO's policy for what would be considered a significant or adverse environmental impact for a boundary change. This obviously would be in addition to any issues that the City would have regarding the development impacts of the project at the project's location.

When evaluating environmental impacts LAFCO will identify such impacts as significant and adverse if:

1. Buildout of the proposed project may cause service levels to decline below established standards, costs of service provision to rise substantially to the detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services, especially when such change may cause adverse health and safety or other physical impacts.

2. Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits especially when such change may cause adverse health and safety or other physical impacts.

3. Inclusion of the proposed territory into the boundaries of the service agency exceeds the ability of the service provider to provide service to the proposed or existing development within that territory with either existing or proposed service capacity.

4. The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not presently planned for development, especially those containing prime agricultural and resource land, mineral, sensitive plant and wildlife or other important resources.

5. The proposed project could cause health and safety or physical impacts because a service provider is incapable of providing service, the proposal has an illogical boundary, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.

6. The proposed project may result in substantial loss of prime agricultural land or important open space, timberland, mining or other resource lands. Land use zones adopted by a city or the county shall be used to judge appropriate land use.

7. The proposed project may cause premature, ill-planned, illogical, or inefficient conversion of prime agricultural, timberland, open space, mineral resource or other important resource areas not presently planned for development.

8. The proposed project is substantially inconsistent with applicable Sphere of Influence Plans, General Plan or Specific Plan, area service plans, phased land use plans of any city or county, or resource conservation plans of the state or federal government.

9. The proposed project may induce substantial growth on important agricultural, resource and open space lands because it would:
   - Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or public facilities that would permit new development in a substantial area currently constrained from development.
   - Encourage or foster development by permitting uses that adversely impact adjacent agricultural, timberland, mining or other resource operations, significantly increase property values of adjacent or proximate agricultural or resource land, or remove man made or natural buffers between urban and agricultural, timber, mining or conservation uses.
   - Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, or other plans or policies of General Plan or Specific Plan of the land use jurisdiction responsible for the project site or vicinity.

10. The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts.

11. There is no immediate need for service and the proposed project adversely affects important public resources or the public health and safety

12. The project would adversely impact animal or plant species listed as, or determined to be, endangered, rare, or threatened as provided in Section 15380 of the State CEQA Guidelines.

13. Consistent with Section 21002 of CEQA, it shall be the policy of LAFCO of Mendocino County that no project should be approved as proposed, if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.

14. In the event that specific economic, social or other considerations make infeasible project alternative or mitigations which will avoid or substantially lessen significant effects on the environment, individual projects may be approved in spite of one or more significant effects. (Statement of Overriding Considerations with findings)

Any environmental review for an annexation would have to address these mostly "indirect" impacts of a boundary change on the environment as well as the "direct" impacts of any development. LAFCO would not accept as adequate any environmental review document that did not include the concerns and considerations that LAFCO must address in its deliberations.

II. Your second bullet on page 18 regarding annexations addresses the requirement of "contiguity" to "existing developed areas". Generally speaking, LAFCO requires the proposed project for annexation to be contiguous to the boundaries of the City, not to a developed area. I have included below our requirements in this area taken from the new Policy and Procedures.

F. Boundary Lines

1. Every determination made by the Commission shall be consistent with the Sphere of Influence of the local agencies affected by that determination. [56375.5]

2. LAFCO shall modify, condition or disapprove proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership. Split parcels shall not be

allowed. Whole parcels shall be included in or out of a proposed change of organization or proposed Sphere of Influence.

3. Lands to be annexed which are within an adopted Sphere of Influence shall be physically contiguous to the present agency boundaries except under one of the following conditions: [56119]
   - Existing developed areas where it can be clearly found that interests of public health, and safety would be best served by the addition of the services or which represent clear or present health or safety hazards that could be mitigated by the requested change of organization.
   - Existing developed areas where agency facilities are present and sufficient for service and where the Commission determines that the annexation does not represent growth-inducing factor for the area.
   - Proposals for the development of new projects shall not be allowed under the above stated exemptions.

4. Strip annexations, leapfrog annexations, islands, peninsulas, flags, pinpoint contiguity, cherry stems, and other irregular boundary lines are inconsistent with the formation of orderly and logical boundaries and are prohibited. [56668(f), 56741, 56742, 56744,]

5. Natural boundary lines, which may be irregular, may be appropriate boundaries for LAFCO action and will not be discouraged provided that complete parcels are included as per 2 above.

6. Boundary configurations shall not produce areas that are difficult are impossible to serve. [56668, 56001]

7. The Commission may order the inclusion of additional territory to any proposal to correct an otherwise unacceptable boundary and to accomplish its goal of creating orderly boundaries. [56668, 56001]

III. On page 18 of the General Plan, it is indicated that a fiscal analysis will be required for a proposed annexation area but no mention is made of the reallocation requirements for property tax revenue or the need for revenue neutrality. For unincorporated areas, the County, in effect, has veto power over any proposed annexation if a property tax revenue agreement is not completed. For annexations that would change special district boundary lines and thus tax income, the County is the negotiator for the special district. No Certificate of Filing for an application will be issued by LAFCO without a completed property tax agreement.

Revenue and Taxation Code Section 99 and Government Code Section 56810 provide that, in any jurisdictional change, the County Auditor shall adjust the allocation of property tax revenue for local agencies whose service area or service responsibilities would be altered. Reallocation of property tax revenues associated with a jurisdictional change, other than a city incorporation or a district formation, is governed by R & T Section 99. City incorporations and district formations are governed by Government Code Section 56810. I have included a summary of the process in Section 99 below.

Jurisdictional Changes Other Than a City Incorporation/District Formation

1. Following receipt of a proposal, but prior to issuing a Certificate of Filing, the Executive Officer will inform the assessor and the auditor of the filing and specify each local agency whose service area or service responsibility will be changed. Once the assessor has determined the assessed valuation of the territory subject to the jurisdictional change, this information is forwarded to the

auditor who, in turn, will advise each local agency of the estimated amount of property tax revenue subject to a negotiated exchange.

2. Upon receipt of the auditor's estimate, the local agencies have 60 days to negotiate and adopt resolutions agreeing to the amount of the property tax revenues to be exchanged.

3. If the jurisdictional change affects the service area or service responsibility of one or more special districts, the board of supervisors negotiates the property tax exchange on behalf of the districts. Prior to entering into the negotiation, however, the board must consult with the affected districts. Consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation.

4. The Executive Officer shall not issue a Certificate of Filing until all of the local agencies involved in the negotiation process present resolutions agreeing to the exchange of property tax revenues.

5. At the time of the public hearing on the proposal, if the Commission modifies a proposal, any local agency whose service area or service responsibility would be altered by the jurisdictional change may request, and the Executive Officer must grant 15 days to renegotiate the exchange of property tax revenues.

6. If property tax exchange resolutions are not presented to the Executive Officer within the initial 60-day negotiation period, or within the 15-day renegotiation period, all proceedings related to the jurisdictional change are automatically terminated.

7. Not later than the date on which the Certificate of Completion is recorded, the Executive Officer shall notify the auditor of the exchange of property tax revenues and the auditor shall make appropriate adjustments.

8. With respect to the adjustment of property tax revenues, a county and any local agency or agencies within the county may develop and adopt a master property tax transfer agreement. The agreement may be revised from time to time by the partners subject to the agreement.

Alternate Procedures for City Annexations of Unincorporated Territory

Under the following described circumstances a city and a county may utilize alternate property tax exchange procedures. These procedures apply to city annexations of unincorporated territory for which proceedings are initiated on or after January 1, 1998 and on or before January 1, 2005.

If the property tax exchange is not conducted or completed in accordance with the 60-day negotiation period requirement and is not covered by a master property tax exchange agreement, the following procedures shall apply:

1. The city and the county shall mutually select a third party consultant to perform a comprehensive, independent fiscal analysis, funded in equal portions by the city and the county, that specifies estimates of all tax revenues that will be derived from the annexed territory and the costs of city and county services with respect to the annexed territory. The analysis shall be completed within a period not to exceed 30 days, and shall be based upon the general plan or adopted plans and policies of the annexing city and the intended uses for the annexed territory.

2. If, upon the completion of the analysis period, no exchange of property tax revenue is agreed upon by the city and the county, the city and the county shall mutually select a mediator, funded in equal portions by those agencies, to perform mediation for a period not to exceed 30 days.

3. If, upon the completion of the mediation period, no exchange of property tax is agreed upon by the city and the county, the city and the county shall mutually select an arbitrator, funded in equal

portions by those agencies, to conduct an advisory arbitration with the city and the county for a period not to exceed 30 days.

- At the conclusion of this arbitration period, the city and the county shall present to the arbitrator its last and best offer with respect to exchange of property tax revenues.
- The arbitrator shall select one of the offers and recommend that offer to the governing bodies of the city and the county.
- If the governing body of the city or the county rejects the recommended offer, it shall do so during a public hearing and shall, at the conclusion of that hearing, make written findings of fact as to why the recommended offer was not accepted.

4. These alternative procedures shall be concluded no more than 150 days after the initiation of proceedings before the Commission, unless one of the periods is extended by mutual agreement of the city and the county.

If the County presents a resolution of rejection with findings for the proposed tax agreement then the process is over and the annexation will not occur. That is why I said that the County has in effect "veto" power for any annexation proposal that includes unincorporated land.

IV. On page 17, it is indicated that the City intends to retain the existing Sphere of Influence boundaries as shown on Map LU-2. This is well and good. However, LAFCO is required to review each agency's sphere of influence once every five years and to also perform a service review of the agency at essentially the same time. At that point in time LAFCO would determine the City's sphere based upon that review. I believe that LAFCO would not normally change the City's requested sphere unless the study could not demonstrate the need for the requested sphere or there was substantial dispute with other agency's boundaries. I have included below the general requirements that LAFCO would adhere to for conducting these processes.

LAFCO is required to adopt a sphere of influence for each local agency within its jurisdiction. "In order to carry out its purpose and responsibilities for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local government agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere." [56425]

General Policies for Spheres of Influence

1. A sphere of influence is defined as a "plan for the probable physical boundary and service area of a local government agency, as determined by the commission" [56076]. Every determination on changes of organization or reorganization shall be consistent with the spheres of influence of the local agencies affected by that determination [56375.5]. A sphere of influence is primarily a planning tool that will:
   - Serve as a master plan for the future organization of local government within the county by providing long-range guidelines for the efficient provision of services to the public.
   - Discourage duplication of services by two or more local government agencies.
   - Guide the Commission when considering individual proposals for changes or organization.
   - Identify the need for reorganization studies and provide the basis for recommendations to particular agencies for government reorganizations.

2. In determining the sphere of influence for all local agencies the Commission is required to consider and make a written statement of determinations with respect to each of the following: [56425(e)]
   - The present and planned land uses in the area, including agricultural and open space lands.
   - The present and probable need for public facilities and services in the area
   - The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
   - The existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.
   - Before making these determinations the Commission will review the factors to be considered in the review of a proposal as detailed in Section 56668.

3. In addition to the above, when adopting, amending or updating a sphere of influence for a special district the commission shall do all of the following: [56425(h)]
   - Require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.
   - Establish the nature, location and extent of any functions or classes of services provided by existing districts.

4. As mandated by law, in order to prepare and update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission [56430]. (See Section C—Service Reviews)

5. As mandated by law, the adequacy of each adopted sphere of influence will be reviewed every 5 years following the initial sphere determination or initial sphere review. At approximately 5 year intervals, a preliminary sphere evaluation will be conducted by LAFCO. The evaluation will include a recommendation by the Executive Officer to either proceed with a comprehensive sphere update study or to affirm the existing sphere.
   - Each subject agency will be notified of the pending review of its sphere of influence and will be invited to participate actively in any restudy efforts deemed necessary by the Commission.
   - Each agency will complete a sphere of influence questionnaire relating to its services and plans. Failure to respond will be regarded as concurrence with the Executive Officer's recommendation.

6. Changes in land use, planning policy, demographics, service capabilities, resource availability, increased demand for public services, or requests for changes in organization or reorganization may justify the need to perform a comprehensive update study to amend or affirm spheres of influence.

7. LAFCO will at any time, receive requests for amendments to spheres of influence. If an agency, the County or other party requests a review, study or amendment to a sphere of influence; LAFCO will undertake the review as required by statute. [56428]

8. Fees for the conduction of sphere of influence/service reviews shall be apportioned according to the following:
   - The applicant agency is responsible for the cost of a review and revision of sphere of influence studies/service reviews required for changes of organization or reorganization.
   - The affected agency(s) are responsible for the costs of the review and updates required by law every five years.
   - The Commission is responsible for the cost of a LAFCO initiated review and revision of sphere of influence. LAFCO will seek cooperative cost sharing agreements with the agencies involved.
   - The party that requests a review according to paragraph 7 above will be charged the actual costs associated with the sphere review and/or amendment including CEQA.

9. No change of organization or reorganization will be allowed until an updated sphere of influence review and service review as required by Section 56430 is completed.

10. The Commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence/service review studies as the basis of for those recommendations. The Commission shall make all reasonable effort to ensure wide public dissemination of the recommendations. [56425(g)]

11. The Commission may initiate proposals for consolidation of districts, dissolution, merger, establishment of a subsidiary district or a reorganization that includes any of these changes of organization, if that change of organization or reorganization is consistent with a recommendation or conclusion of a study pursuant to Section 56378 (special studies) or Section 56425 (sphere of influence studies) if the Commission makes the determinations specified in Section 56881(b) [56375(a)]. (See Sections I—Special Studies and J—LAFCO Initiated Proposals)

12. When more than one agency can serve an area, LAFCO shall consider each agency's service capacity, financial capabilities, costs of service, social and economic interdependencies, topographical factor, LAFCO policies and input from affected communities and agencies.

13. LAFCO will make every attempt to bring about amicable agreements on spheres of influence but ultimately, if a conflict between agencies should arise, LAFCO is the final determiner of the sphere of influence.

14. Inclusion with an agency's sphere of influence does not assure annexation to that agency.

15. Spheres of Influence for cities and districts will promote the long term preservation and protection of the County agricultural, resource and open space lands.

16. Once a sphere of influence has be adopted, it shall be reviewed and updated, as necessary, not less than once every five years [56425(f)]

General Guidelines for Determining Spheres of Influence

1. Territory that is currently receiving services from a local agency, or territory that is projected to need an agency's services within the next 5-10 years may be considered for inclusion within an agency sphere. Additional territory may be considered for inclusion if information is available that will enable the Commission to make determinations as required by Section 56425.

2. Territory will not be considered for inclusion within a city's sphere of influence unless the area is included within the city's general plan land use element.

3. A special district that provides services, which ultimately will be provided by another agency (e.g. mergers, consolidations) will be assigned a zero sphere.

4. When more than one agency can serve an area, agency service capabilities, costs for providing services, input from the affected community, and LAFCO's policies will be factors in determining a sphere boundary.

5. If more than one agency appears equally qualified to serve an area, and if fiscal considerations, agency service capabilities, and community input do not clearly favor a specific agency, overlapping spheres may be approved.

6. If additional information is necessary to determine a sphere boundary or if the Commission determines not to approve overlapping spheres, a partial sphere may be approved and a special study area may be designated.

7. A local agency may be assigned a coterminous sphere with it existing boundaries if:
   - There is no anticipated need for the agency's services outside its existing boundaries.
   - There is insufficient information to support inclusion of areas outside the agency's boundaries in a sphere of influence.
   - The agency does not have the service capacity, access to resources (e.g. water rights) or financial ability to serve an area outside its boundaries.
   - The agency's boundaries are contiguous with the boundaries of other agencies providing similar services.
   - The agency's boundaries are contiguous with the sphere of influence boundaries previously assigned to another agency providing similar services.
   - The agency requests that their sphere of influence be coterminous with their boundaries.

8. If territory within the proposed sphere boundary of a local agency does not need all of the services of the agency, a service specific sphere of influence may be designated.

Guidelines for Updating City Spheres of Influence

1. Once every five years, a preliminary sphere evaluation will be prepared by the Executive Officer for each city in Mendocino County to determine whether a sphere update study should be conducted.
   - A preliminary evaluation may be conducted at any time if requested by a city.
   - Applications for changes of organization or reorganization may trigger a preliminary sphere evaluation by the Executive Officer; the closer the time to the five year mark, the greater the likelihood of a preliminary sphere evaluation upon receipt of an application for a change in organization or reorganization.
   - Applications for changes of organization or reorganization with a sphere of influence amendment will trigger a preliminary sphere evaluation and may require a comprehensive sphere update study.

2. A preliminary evaluation will begin with a questionnaire requesting the city to update pertinent information. The city's response should include:
   - Information necessary to complete a statement of determinations required under Section 56430 (Service Reviews).
   - Each city's assessment as to the need for a sphere update, sphere change or sphere amendment.
   - Information as to changes in land use (e.g. General Plan or Specific Plan changes), planning policy, demographics, service capabilities, resource availability or increased demand for public services.
   - Necessary maps and legal descriptions

3. The preliminary sphere evaluation will be distributed to the subject city, other affected agencies, the county and other interested parties.

4. The preliminary sphere evaluation will include one of the following recommendations by the Executive Officer:
   - Proceed with a comprehensive sphere of influence update study because of significant changes in circumstances from the previous study or last update
   - Affirm the city's existing sphere of influence without an update study
   - Amend the city's existing sphere of influence with an comprehensive update study
   - Amend the city's existing sphere of influence without a comprehensive update study (e.g. minor amendments)

5. The subject city will be requested to respond to the preliminary sphere evaluation and recommendation within 90 days. Failure to respond within 90 days will be regarded as concurrence with the evaluation and recommendation.

6. The Executive Officer will present his/her preliminary sphere evaluation and recommendation, along with the response and recommendations from the subject city and comments received from other local agencies or interested parties, to the Commission at a noticed public hearing.

7. At the hearing the Commission may approve, with or without changes, or deny the Executive Officer's recommendation.

8. If the Commission determines to proceed with a city comprehensive sphere update study/service review, applications for jurisdictional changes will be considered incomplete until the sphere update is completed. Exceptions will be made if the Executive Officer has issued a Certificate of Filing prior to the Commission's decision to proceed with an update study.

9. Within 90 days of a public hearing where the Commission determines to proceed with a comprehensive sphere of influence update study/service review, LAFCO staff in cooperation with city staff will develop a work plan, time table and mapping requirements needed for completing the update study, service review and appropriate environmental study.

10. City staff, in cooperation with LAFCO staff, will prepare a comprehensive sphere update study/service review according to the agreed upon work program and time table. If the city chooses not to participate in the development of the sphere update study, then the Executive Officer may proceed with the process using LAFCO staff or consultants. Costs for this process will be billed to the city.

11. At least 30 days prior to formally submitting the sphere update study to LAFCO, the city must distribute its proposal to all affected agencies and other interested parties who have requested a copy, other than the county. Affected agencies must be notified that their comments will be received by LAFCO for purposes of evaluating the update study.

12. At least 60 days prior to formally submitting the sphere update study to LAFCO the city must distribute the study to the county. Representatives of the city are required to meet with representatives of the county to discuss the proposed sphere and its boundaries and explore methods to reach agreement on the boundaries, development standards and zoning requirements within the sphere. The purpose of the discussions between the city and the county is to ensure that development within the sphere occurs in a manner that reflects the concerns of the city and is accomplished in a manner that promotes the logical and orderly development of the sphere territory.

13. Upon receipt of the sphere update study from the city, LAFCO staff will review the spheres of influence for affected districts in conjunction with the review of the city sphere update study.

14. The Executive Officer will present a report and recommendations concerning the city sphere update study and sphere amendment, if any, to the Commission at a noticed public hearing. The report may include recommendations to amend the spheres of affected special districts.

15. The Commission will approve, with or without changes, or deny the Executive Officer's recommendation for the comprehensive sphere update.

C. Service Reviews

In order to prepare and update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. [56430]

1. The commission shall include in the area designated for service review the county, the region, the subregion, or any other geographical area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following: [56430(a)]
   - Infrastructure needs or deficiencies.
   - Growth and population projections for the affected area.
   - Financing constraints and opportunities.
   - Cost avoidance opportunities.
   - Opportunities for rate restructuring
   - Opportunities for shared facilities.
   - Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
   - Evaluation of management efficiencies.
   - Local accountability and governance

2. Local agencies that are subject to LAFCO review, or are required to have a sphere of influence, are subject to service reviews.

3. The Commission shall conduct a service review before or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence or update a sphere of sphere of influence. Minor amendments to a sphere of influence, as determined by LAFCO, may not require a service review.

4. Generally, reviews will be prepared in conjunction with sphere of influence studies or updates however service reviews may also be conducted independent of the sphere of influence process. LAFCO will conduct service reviews independent of the sphere of influence updates based on a number of factors, including but not limited to:
   - Concerns of the affected agencies, the public or LAFCO
   - Public demand for a service review
   - Pubic health, safety, or welfare issues
   - Service provision issues associated with areas of growth and/or development

5. As part of the budgetary process, LAFCO will develop a work plan of service reviews to be addressed during the fiscal year. During this process, LAFCO shall establish a fee for conducting services reviews and may recover reasonable costs for preparation of a service review study beyond the standard LAFCO fee.
   - Agencies that are to be part of the annual review process shall be notified of the selection for review and their respective costs.
   - The fee may be adjusted according to the degree of help and support provided by agency staff and the degree of difficulty of obtaining the requisite information for the service review.
   - LAFCO may alter the annual service review work program at any time in response to changing circumstances, new information, or direction from the Commission.

6. In conducting a service review the commission will use its policies and may use state guidelines to comprehensively review all of the agencies that provide the identified service or services within the designated geographical area. Service reviews will fall into two categories:
   - Routine reviews that are anticipated to be uncomplicated and straightforward with few concerns about the adequacy of public services. Routine service reviews may be conducted for single agencies or for multiple agencies that provide similar services.

- Intensive reviews that are anticipated to require detailed analysis of complex and controversial issues. Categorizing a service review as intensive may be the result of analysis of pending LAFCO proposals for boundary changes, major sphere changes or of service provision concerns identified by LAFCO, other agencies or the public.

7. Service reviews will address identified services within the service review boundary, which are associated with growth and development. Target services include, but are not limited to, water, sewer, drainage, libraries, roads, parks, police and fire protection. General government services such as courts, social services, human resources, treasury, tax collection, and administrative services will generally not be included. LAFCO will determine which services will be included in each service review.

8. LAFCO will determine the final geographic boundary and agencies that will be the subject of a service review. Factors that may be considered in determining a service review boundary include, but are not limited to, existing city and special district jurisdiction and sphere boundaries, topography, geography, community boundaries, tax assessment zones, infrastructure locations, transportation systems, and roads, areas with shared facilities, areas with shared social and economic communities of interest plus other factors as determined by LAFCO.

9. LAFCO may hold public scoping meetings, as necessary, for selected service reviews to gather additional input on the following issues:
   - Additional agencies to be included within a service review.
   - Geographic area of a service review
   - Concerns of affected agencies
   - Areas of concern to be addressed in a service review

10. LAFCO may establish a service review committee to provide technical and/or policy advice to LAFCO staff. The service review committee may consist of LAFCO Commissioners, representatives from special districts, cities and other members as determined by LAFCO.

11. Local agencies may submit service review proposals to LAFCO. If it is determined by LAFCO that the agency has the requisite staff and ability to conduct the service review using state guidelines then the Commission may allow the agency to perform the service review in cooperation with the Executive Officer.

12. LAFCO staff will prepare a final service review report that includes the determinations required by state law. The report may identify future studies or actions which LAFCO or agencies may take to implement the recommendations of the report.

13. The Commission will consider the service review report and determinations at a noticed public hearing. The report will be available for public review 21 days prior to the hearing.

14. The service review process does not require LAFCO to initiate changes of organization based on service review findings; it only requires that LAFCO make determinations regarding the provision of public services per the provisions of Section 56430. However, LAFCO, local agencies and the public may use these determinations to pursue changes to services, local jurisdictions or spheres of influence.

It would be my belief that the effort the City is putting into its general plan would make the Sphere of Influence/Service Review fairly straight forward and reasonably simple. There is no reason why all of the work involved in the General Plan cannot be used to accomplish the requirements of law, but I did want you to be aware of these requirements and any potential effect on your present process.

V. For any annexation proposal to LAFCO a Plan for Services is required. I have included below our requirements for a Plan for Service.

H. Plans for Service

LAFCO's mission includes oversight of the orderly formation and development of local agencies including the provision of efficient and economical services. LAFCO requires that all service providers must document their ability to provide service to proposed annexations. An evaluation of an agency's plan for services is necessary to the proper consideration of any changes of organization or reorganization, which expands or diminishes a service provider's responsibilities. The intent of plan for service evaluations is to ensure that the capacity, cost and adequacy of service within the district or city are not adversely impacted by the proposed LAFCO action. [56375(g), 56375(h), 56668, 56653]

The following information requirements will enable the applicant and LAFCO to obtain information necessary to render a fair and informed decision. During the required pre-application conference, LAFCO staff will assist the application with the determination of required project specific plan for service information.

1. Applications shall include a plan to provide services which includes information needed to render an informed decision on the project. [56653]

2. Plan for Service submittals are required to contain, but are not limited to the following:
   - An enumeration and description of the service to be extended to the affected territory
   - The level and range of those services
   - An indication of when those services can be feasibly extended to the affected territory
   - An indication of any improvements or upgrading of structures, roads, sewer or water facilities or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
   - Information with respect to how those services will be financed.

3. No application will be deemed filed until a plan for services is received and accepted as complete by the Executive Officer.

4. All applicant agencies must provide a capacity analysis which states:
   - The number of service units available (units can be described as parcels, meters, equivalent dwelling units or other project specific units of measure as approved by the Executive Officer)
   - The number of service units currently allocated
   - The total number of service units within the agency's boundaries, including assessment districts, that are entitled to receive service
   - The number of service units proposed to be added as result of the annexation
   - The total number of service units entitled to receive services as a result of the proposed project. *Note: In the event that the applicant or annexing agency finds that there are not enough service units available to provide for the total number of service units entitled to receive service as a result of the proposed project, the agency shall provide a plan for obtaining the capacity necessary to provide service.*

5. All applicant agencies must provide a description of the size and capacity of existing infrastructure along with a map that depicts the location of the infrastructure.

6. The agency must provide a statement disclosing its disposition regarding its responsibility to reserve capacity for unserved property and current list by assessor parcel number of unserved property within its current boundaries.

7. The agency must provide a list of conditions that the proposed annexation property must meet in order to receive services from the annexing agency, such as annexation costs, facility plan report, fire flow requirements, and a statement regarding who is responsible to fund required items.

8. The agency must provide a statement of intent to provide services by the annexing agency, including a description of the annexing property requirements to fund infrastructure so that areas within the existing district can be served, or will continue to be served, as the same or higher level of service, and proposed service areas will be accommodated at the same level of service. *Note: If the applicant agency cannot provide such a guarantee then the applicant or annexing agency shall provide a written justification for project approval despite anticipated negative impacts.*

9. If service cannot be provided without expanding service capacity or constructing infrastructure other then parcel connections to service, then the following information is required.
   - A description of any required facility or infrastructure expansions or other information shall be provided.
   - A schedule of completion of the expanded capacity project, the viability of the needed project, and the relation of the subject property to the overall project and project time line.
   - A list of required administrative and legislated processes such as CEQA review or State Water Control Board allocation permits, including assessment of likelihood of approval of any permits and existence of pending or threatened legal or administrative challenges if known.
   - The planned total capacity
   - The size and location of needed capital improvements
   - The proposed project cost, financing plan and financing mechanism including a description of the persons or properties who be expected to bear the costs.
   - Any proposed alternative projects if the preferred project cannot be completed; include information required above for each proposed alternative.

10. No application to annex to a special district or city shall be deemed complete until the following information is provided:
   - A statement that the annexing agency will be capable of providing adequate services when such services are projected to be needed within the area being annexed.
   - A statement that the furnishing of adequate services at such time as such services are needed within the area being annexed will not result in a significant fiscal impact, service level impact or other impact in the existing service area within the boundaries of the present district or city

VI. In approving an application, LAFCO is required to examine a number of issues in its deliberations. These are spelled out in Government Code Section 56668. I have summarized them below for you.

Factors to be considered in review of a proposal but not limited to, all of the following:
- Population and density
- Land area and land use
- Per capita assessed valuation
- Topography, natural boundaries, drainage basins
- Proximity to populated areas
- Likelihood of significant growth during next ten years.
- Need for organized community services
- Present cost and adequacy of government services and controls
- Probable future needs,
- Probable effect of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

- The effect or the proposed action of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- Conformity of the proposal to Commission policies on providing planned, orderly, efficient patterns of urban development, and with state policies and priorities on conversion of open space uses.
- Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open-space uses.
- Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- Conformity with appropriate city or county general and specific plans.
- The agencies sphere of influence.
- Comments of any affected agency.
- The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for such services following the proposed boundary change.
- **The timely availability of an adequate water supply.**
- **The extent the proposal assists the receiving entity with its fair share housing needs.**
- Any comments from landowners or the public.

VII. As you can see from the above, LAFCO is required to determine "the timely availability of water supplies adequate for projected needs" [56668(k). I have included our policies and requirements below for determining adequacy of water.

E. Adequacy of Water

Under C-K-H Section 56668, LAFCO is required to determine if there are adequate water supplies to meet the needs of the proposal. Section 65352.5 provides the guidelines to be used in determining adequate water supplies and which by policy LAFCO will use.

1. Adequacy of water supplies is to be determined by:
   - Examining the water provider's service plan and/or capital improvement plan.
   - Sources of water by water right or contract.
   - Description of quantity of surface water purveyed.
   - Description of quantity of ground water purveyed.
   - Description of proposed additional sources of water.
   - Description of total number of customers by category of agricultural users, commercial users, industrial users and residential users.
   - Quantification of reduction of total water demand by each customer category.
   - Water reduction measures.
   - Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on water supplies.

VIII. On any proposal LAFCO is required to review "the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs". I have included our policy below for this.

F. Regional Housing Needs—Fair Share Planning

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 added a new requirement that LAFCOs must consider "the extent to which a proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments" [56668(l)]. CKH also requires LAFCOs to consider regional growth goals and polices established by a "collaboration

of government officials formally representing their jurisdictions". [56668.5] The result of these new provisions, one mandatory and one permissive, is to not only to involve LAFCO in housing issues by specifically emphasizing fair share housing needs but to also give LAFCO the formal ability to consider regional growth goals as established by regional and subregional COGs.

Every city and county is required to have a Housing Element as part of its General Plan. (See Government Code 65580 et seq. Planning and Zoning Law, Division 1, Chapter 3, Article 10.6) In preparing the Housing Element the city or county must identify adequate sites which will be made available through appropriate zoning and development standards, and with services and facilities, to meet the housing needs. [65583]

The regional housing needs numbers are determined by MCOG. Numbers of housing units are established for each city and county for the next five years by income categories (low, low/moderate, moderate, etc.). Emphasis is on the adequate provision of low and low/moderate income housing. Cities and counties must use these numbers in their Housing Elements. [65584] The Housing Element must also be accepted by the State Department of Housing and Community Development. The approved Housing Element will be considered the best source for LAFCO in determining if the proposal will assist a receiving entity to achieve its fair share of the regional housing needs.

1. The law only requires LAFCOs to consider the "receiving entity". This typically means cities. A county would only be a "receiving entity" in the case of a detachment from a city.

2. Housing Element requirements and regional housing needs are not applicable to special districts. However, special districts may provide needed services for a city or county to meet its fair share of regional housing needs. Therefore, this factor will be considered for proposals for changes of organization or reorganization by districts, even though a district is not a "receiving entity".

3. Housing Elements of the General Plan are required to be updated every five years. LAFCO is not responsible for enforcing the requirement that cities and the county have approved Housing Elements. However, the fact that there are no current fair share need numbers could be cause for denial for a proposal based on both the lack of the ability to consider the factor relating to fair share need and the inability to consider the factor relating to consistency with the receiving entity's general plan.

4. LAFCOs have no authority to determine or transfer fair share housing needs. This process is described under Government Code Section 65584.5 and there is no mention of LAFCO involvement.
   - If supported by substantial evidence in light of the whole record and legal counsel opinion it may be possible for LAFCO to condition a proposal upon a county and city transferring regional housing needs pursuant to the process specified by law.
   - It would be best if counties, cities, MCOG and HCD agreed upon the transfer process prior to LAFCO action and urge LAFCO to consider it as part of established regional growth goals and policies. A similar example between cities and the county would be the process for tax sharing agreements.

5. It can be argued that MCOG will determine fair share housing needs based upon a city's existing boundaries. In setting the numbers, MCOG cannot bind or rely upon LAFCO to approve any change of organization or reorganization. Thus in theory there shouldn't be any need for redistribution of fair share housing needs relating to a change of organization or reorganization. However, it is clear that this may be an issue where a developer needs to annex to a city for the purposes of obtaining needed services and that development could not occur without the availability of the services provided by the city and the agreement of the city and the county to the process.

IX. The Legislature believes that the best place for urban development to occur is within the boundaries of cities. LAFCO concurs and has developed its policies to indicate such. I have included them below for your information.

C. Mendocino LAFCO Policies on Growth and Development

When making decisions on applications for boundary changes Mendocino LAFCO will be guided by the particulars of the law regarding a proposal and the declared policies of the state regarding growth and development.

1. Per the requirements of Section 56001 Mendocino LAFCO reiterates and emphasizes the State Legislature's policies of:
   - Discouraging urban sprawl and promoting orderly development
   - Accommodating growth within the boundaries of agencies which can provide services.
   - Efficiently extending government services.
   - Collaboration of local officials in addressing regional growth issues
   - Preserving open space
   - Preserving agricultural and resource lands
   - Providing housing for people of all incomes
   - Giving responsibility to the agency that can best provide governmental services

2. The Executive Officer is directed to include consideration of these policies in any recommendation that he/she may have for a proposal.

D. Preferred Service Providers

1. The Legislature has found that a single multi-purpose government agency, rather than several limited purpose agencies, is in many cases better able to assess and be accountable for community service needs and financial resources and is the best mechanism for establishing community service priorities. Under C-K-H preference is to be granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the efficient manner feasible.[56001] Mendocino LAFCO declares that LAFCO shall consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference:
   - Annexation to an existing city
   - Annexation to an existing multiple purpose special district
   - Annexation to a existing single purpose district
   - Consolidation of existing districts
   - Annexation to a subsidiary district or County Service Area of which the Board of Supervisors is the governing body.
   - Incorporation of a new city.
   - Formation of a new multiple purpose district
   - Formation of a new County Service Area
   - Formation of a new single purpose district

2. Petitions for forming special districts for multipurpose services will be given consideration for forming community services districts.

3. Petitions for forming single purpose special districts generally within the boundaries of another special service district which provides a different service will be given consideration for forming a community services districts consolidating the single purpose districts.

If you have questions, please call. I am on occasion in Ft. Bragg for purposes of meeting with the chair or an ad hoc committee and would be pleased to meet with you at such time if you found it to be valuable to you.

Sincerely

Frank McMichael

Frank McMichael
Executive Officer

cc: commissioners

Response to Letter from Frank McMichael, Local Agency Formation Commission of Mendocino County

C1. The comment letter described the various requirements that LAFCO uses to judge annexations and the City's Sphere of Influence. These are all descriptions of existing State law. The information is noted for the record. The City will continue to comply with all LAFCO requirements. As no questions are asked regarding the DEIR, no additional response is required.

State of California • The Resources Agency
Gray Davis, *Governor*

DEPARTMENT OF PARKS AND RECREATION
Ruth G. Coleman, *Acting Director*
Mendocino District
P.O. Box 440
Mendocino, CA 95460

SEP 30 2002
RECEIVED
SEP 0 2002
CITY OF FORT BRAGG
PLANNING DEPT.

September 27, 2002

Linda Ruffing, Community Development Director
Fort Bragg Community Development Department
416 North Franklin Street
Fort Bragg, CA 95437

Dear Ms. Ruffing,

Thank you for the opportunity to comment on the Draft Fort Bragg General Plan and Draft EIR. State Parks overall impression is that the Fort Bragg General Plan is a well thought out study and presentation, with generally sound guiding principles. We have focused our comments on areas of direct park interface, particularly where MacKerricher and the City's jurisdictions overlap.

We feel the City might look at a more active role in garnering funds to work with CalTrans and State Parks to improve the parking and pedestrian/bicycle access at Pudding Creek, to develop a restroom, and to install public phones. This could also include a plan to help in partnership with State Parks to establish a Visitor Center on the Glass Beach property just south of the Trestle. It might also include the idea of establishing more open-space/parklands along Pudding Creek on the east side of the bridge, where GP had their water diversion facility. This concept is broached on page 58, under OS-12.2.3 (Parks and Open Space Element). The whole area could definitely benefit from a multi-agency task force, including going after funds for developing public facilities and completing the necessary environmental reviews. D1

The policy to create a 30' buffer setback for future development alongside the Haul Rd. is a definite step in the right direction, as well as the policy to create more coastal views between developments. The City should also pursue delegating a percentage of TOT funds or other development fees/assessments to mitigate environmental impacts from increased visitation related to increased visitor serving facilities north of Pudding Creek. This could help fund projects like the Perched Dune Boardwalk or the Pudding Creek Bicycle boardwalk. D2

We strongly support phasing out the industry on the west side of Highway 1, north of Pudding Creek. The city does not include parkland as a sensitive noise receptor and should. For example: Baxman's plant, adjacent to the park, generates noise levels that are not conducive to a pleasant park experience. Such facilities should be avoided where the public goes to enjoy the natural setting. D3

State Parks would strongly support a continuous pedestrian and bicycle public access trail along the bluff through the entire GP Mill property, when that changes hands. This would play right into the state efforts to build a continuous coastal trail the length of the state. In this case, once the Trestle is restored, the public would have a trail from Ten Mile to the south side of the Noyo River. D4

Our specific comments relative to certain pages are listed below:

From The Draft General Plan

1. Pg. 33: States that the City will seek offers to dedicate and assume liability and maintenance. We believe it would be wise if the city seriously considered seeking funding to assume liability and maintenance, and not rely on other agencies or third party agreements with others to assume this responsibility. D5

.

2. Pg. 35: Proposes a vertical access between Hwy. 1and MacKerricher. We are not clear where exactly is meant. Again, this should first involve consultation with the State to make sure that access occurs where it will not increase our management responsibilities, or that we at least agree. D6

3. Pg. 57: Program OS11.62: Proposes that City will analyze geoseismic hazards prior to acceptance of land dedications. Could this preclude the City from accepting significant coastal bluff properties, considering there are geoseismic hazards all over the coast. D7

4. Pg. 59: Program 08-13.1.7: "Support efforts to reconstruct trestle...." The level of support the city is considering should be detailed here. Considering this facility will also greatly benefit the City, perhaps financial support is appropriate? D8

5. On the cover and Pg. 39: Pictures of the trestle that is that is owned by the State are prominently shown. This is a small point, but it gives the impression that the trestle is a City facility (without the City financial support, of course), when it is not. D9

From the Draft EIR:

1. Pg. 95: Regarding intertidal, marine, and beach habitats, the last paragraph states that "habitats are well protected due to limited public access"... However, the GP supports development of access areas. The Draft EIR should at least address the potential for impacts to coastal terrace, coastal bluff, intertidal, marine, and beach habitats if additional coastal access is developed. D10

2. Pg. 98: Should include Glass Beach as having significant coastal prairie. D11

3. Plant and animal lists Pg. 106-112: Mendocino coast paintbrush is listed twice. For plovers it says that "species is found along the coastal strand"; "sighted at Mackerricher beach". It should state that they are also found in coastal dunes, and specifically include Virgin Creek beach. For Chorizanthe, it should include that populations are also found on private property east of the Haul Road near Virgin Creek beach. For Erysimum, it should include that populations are known to occur on private property east of the "surfer's parking lot" (that is the one where people park on the east side of Hwy 1, and then walk across private property to access Virgin Cr. beach). Peregrine falcon, should include that the species also nests along the coast in Sonoma County, no just Marin. For Invertebrates, it should also include the potential for listed butterflies that use coastal bluff habitat (Behren's silverspot, e.g.) D12

4. Pg. 113: Should also state that Coho are now listed as State endangered. D13

5. Pg. 120, 1st paragraph: This states that the Draft GP and the Blinn acquisition for public use will protect at least 1/2 and potentially 80% of the coastal terrace prairie habitat, and then concludes that the overall impact to this habitat will be less than significant based on this protection. We would not conclude that protecting half of a remaining habitat is a less than significant impact! Since this is a State purchase for State Parks, this also raises the questions about whether the City is actually assuming responsibility for the protective measures regarding Glass Beach that it concludes will result in a less than significant impact? The General Plan proposes development on Todd Point where the other major areas of coastal terrace prairie occur. To truly reduce the impact to less than significant, the City should also be proposing the avoidance of impacts on Todd Point and restoration as mitigation where avoidance cannot be achieved. D14

6. Pg. 120: The Document does not, but should address the potential impacts of increased recreational use, especially since the General Plan discusses access and recreational use at length. D15

7. Pg. 239: Proposes that the area north of Elm Street and west of Glass Beach Drive (Glass beach headlands) should become a regional park once purchased by a public agency. Our understanding is this is being purchased through the Coastal Conservancy for acquisition by State Parks. D16

8. Pg. 243 and 250: Discusses development near MacKerricher and along the Haul Road and the requirement for conferring with State Parks, but requires no specified funding or responsibility for maintaining park trails or restoring impacted areas. We ask that special funds be established for State Parks to maintain trails and natural areas when development occurs adjacent to the park. Based on what the General Plan is proposing for protecting MacKerricher, the Draft EIR is erroneously concluding the that General Plan will not have a significant impact on the resources of MacKerricher. D17

Again, thank you for the opportunity to comment.

Sincerely,

Greg Picard
District Superintendent

Response to Letter from Greg Picard, California Department of Parks and Recreation

D1. The requested partnership with State Parks is noted for the record. Policy OS-12.1 states that the City will coordinate with State Parks and other agencies to develop additional recreational facilities, and Policy OS-12.2 specifically covers cooperation with State Parks as regards MacKerricher State Park. It is assumed that the suggestions offered by State Parks in this comment would be included in the future discussions between the City and State Parks when the City complies with the above-cited policies. As regards the Georgia-Pacific diversion facility on Pudding Creek, potential future use of this site would need to be determined if and when Georgia-Pacific decides to sell their property; re-use of their property is addressed in the required specific plan(s) required for that property (per Program LU-5.1.1).

D2. The recommendation was forwarded to the City Council for its consideration. The request can be a part of the future discussions between State Parks and the City required in Policy OS-12.1.

D3. It is noted that the Baxman facility existed when MacKerricher State Park was formed. The Draft General Plan does include parks as sensitive noise receptors. See Table N-4. The commentor's request that industrial uses not be allowed adjacent to MacKerricher State Park was forwarded to the City Council for its consideration. Given the policies and programs of the Noise Element and policies requiring design review, preservation of open space vistas, and Special Review for undeveloped lands adjacent to the Park, eliminating industrial use near MacKerricher State Park is not needed to reduce any impact to a less than significant level. The Planning Commission and City Council discussed this issue at their October 30, 2002 public hearing. They determined that it was unlikely new industrial development would occur in this area given the value of the land. However, if the area were redesignated, as requested, it would not have any new significant impacts.

D4. Such a trail is recommended in Policy LC-1.1 of the Draft General Plan.

D5. Program LC-1.1.2 does not eliminate the ability of the City to seek funding to assume liability and maintenance. This and other programs demonstrate the City's interest in developing additional accesses. Financing those accesses, including liability and maintenance, would be a part of the intent of those programs.

D6. As shown on Figure LC-1, this vertical access is the existing access located immediately north of the Beachcomber Motel. No new access is proposed at this point.

D7. The cited program states that the City will assess geoseismic hazards before accepting dedications of land. The intent is that the City not be saddled with a piece of property that has such unstable slopes or other geologic problems that it would cause damage to neighboring properties, thus requiring City expenditure of public funds to remediate problems so as to avoid being sued by a neighboring landowner. The intent is not to avoid accepting coastal lands. Again, the

commentor should review the extensive policies and programs in the Draft General Plan aimed at expanding trails, parks, and open space. The City, in this Draft General Plan, has clearly expressed its interest in expanding public access and recreational opportunities.

D8. The financing of specific projects is a matter to be determined in subsequent City decisions. It is not required as part of the policy statements included in a General Plan. However, the commentor's request was forwarded to the City Council for its consideration.

D9. The trestle is an important resource within the City of Fort Bragg, regardless of ownership. The Draft General Plan at no point states that the trestle is a "city facility."

D10. The commentor is correct that development and use of proposed additional access points could result in adverse impacts to intertidal, marine, and beach habitats if the access trails were located across sensitive habitat or provided access for extensive public use of sensitive habitat areas. The Draft General Plan recommends additional coastal access consistent with the Coastal Act. The Draft General Plan includes numerous policies and programs to protect environmentally sensitive resources including intertidal, marine, and beach habitats. All these habitats are mapped as Special Review Areas on Map LC-2 and subject to the Special Review requirements established in Policy LC-3.1. That policy explicitly states that new uses will be permitted only if they do not degrade or disrupt environmentally sensitive habitat areas. In addition, the City is preparing a management plan for the newly acquired Noyo Bluffs property. It is assumed that this management plan will conform with the policies and programs of the Draft General Plan to ensure that access to sensitive habitat is controlled to avoid significant impacts to that environment. The Department of Parks and Recreation already has the ability of controlling access to lands under its jurisdiction. It is expected that once public purchase of the Blinn property is finalized that a management plan or agency guidelines will equally protect sensitive habitat on that property. This leaves the Georgia-Pacific property. The commentor will note that Table LC-1 (Map Key "F") states that public access south of Glass Beach "shall be permitted in a manner that does not adversely affect environmentally sensitive areas." It is the EIR preparers' opinion that the policies and programs of the Draft General Plan provide strong protection for intertidal, marine, and beach habitats. No additional policies or programs are required to reduce the potential impacts to these habitats to a level that is less than significant.

D11. The Blinn property is hereby added to the list of areas supporting coastal prairie. The commentor should refer to Impact 4.3-F on pages 119-120 wherein the DEIR states that this habitat occurs on the Blinn property.

D12. These recommended additions are hereby added to Table 6 of the DEIR, and the second reference to Mendocino coast paintbrush is hereby deleted.

D13. This addition is hereby added as requested.

D14. The commentor's opinion regarding the significance of the impact is noted for the record. Please note, as discussed on page 120, up to 80 percent of this habitat

could be preserved given policies and programs of the Draft General Plan. It is assumed, given State Park's concerns about protecting sensitive habitat and previous comments made by the commentor, that State Parks, once it controls the Blinn property will manage that property to preserve most if not all of the coastal prairie on the site as open space. If State Parks does not purchase and manage this property, then the City would attempt to restrict future activity on this site to comply with policies and programs of the Draft General Plan, to the degree allowed by State law. As regards the coastal prairie on Todd Point, this area is the one area where coastal prairie could be lost through future development. This area was designated for development in the existing City General Plan and Local Coastal Program. The Draft General Plan does not substantively change the existing situation. In addition, as described on page 98 of the DEIR, the coastal prairie community on Todd Point has been severely impacted by past uses so that it has been replaced by a grassland community comprised largely of non-native species. The loss of this habitat is considered less than significant given its condition and the fact that most coastal prairie in the City would be preserved. The conclusions of the DEIR do not need to be changed, but the commentor's disagreement with these conclusions is noted for the record.

D15. See Response 10 above. The Draft General Plan contains strong policies and programs to protect sensitive species and habitats. These policies and programs in combination with State and City management plans are expected to reduce impacts to natural resources within the Coastal Zone to a less than significant level. Please refer to Policy LC-1.11 which states the City will request closure of any public access if it is demonstrated that this access adversely affects sensitive environmental resources. This policy ensures that any future damage to sensitive impacts not foreseen when additional accesses are developed would be limited by closure of said access.

D16. The citation is an accurate reporting of the desires of the Planning Commission and City Council. At the time the DEIR was prepared, it was unclear who would be the final agency owning and maintaining the Blinn property. If State Parks is the eventual owner, then the property would be a State Park and not a regional park.

D17. The commentor's opinion regarding the impact to MacKerricher State Park and the request for special funds for park maintenance and management are noted for the record. Program OS-12.2.2 explicitly states that the City will confer with State Parks when reviewing development applications adjacent to MacKerricher State Park to determine if additional mitigation measures regarding access or protection of park resources are necessary. If feasible, these additional measures will be required. The EIR preparers believe this program provides the policy framework for requiring additional funds from adjacent developers. If the commentor is requesting that the City set up some type of general fund to assist the State in managing the park, the question then becomes one of nexus. The EIR preparers believe that a substantial portion of the increased use of MacKerricher and other State parks comes from increased tourist use of the area. It is true that the Draft General Plan allows development of more visitor-serving facilities. However, the commentor should be aware that such use is consistent with the State's Coastal Act. If the City attempted to reduce the area available for the construction of visitor-serving motels, it is possible that the Coastal Commission might not approve

the City's Local Coastal Program. The Coastal Act and the Coastal Commission wish to increase the ability of residents of California to visit and use the coast. While this may be counter to State Park's desires, it is not an issue over which the City has control.

As regards the City's population, it is projected to grow by about 1,900 people over the next ten years. While this increased population will increase usage of State Parks, the Draft General Plan also includes policies to develop additional parks, recreational facilities, and trails within the City. These additional facilities would reduce use of State Parks.

Finally, the issue of whether the City should fund maintenance of State Parks is an interesting one. It would appear, given State mandates in the Coastal Act and elsewhere, that the State is expected to fund and maintain these parks. Future growth in the City of Fort Bragg would not be any different than growth in other parts of the State. It is recognized that State Parks must manage its properties with a limited budget and that such management could be enhanced by additional funding. While there is no need to include such a funding request in the Draft General Plan to reduce any impact to a less than significant level, the request was forwarded to the City Council for its consideration.

mendocino coast recreation & park district

September 27, 2002

SEP 2002

Linda Ruffing, Community Development Director
Fort Bragg Community Development Department
416 N. Franklin Street
Fort Bragg, CA 95437

The Mendocino Coast Recreation and Park District Board of Directors reviewed the Draft General Plan and the Draft Environmental Impact Report for the Fort Bragg General Plan and have the following suggestions related to those documents:

Draft General Plan

1. Program 0S-06.1 (Page 53) Is it necessary to include "List 2" of the California Native Plant Society's most recent inventory, since it appears "List 1B" contains the same information? E1

2. Goal 0S-6.1.1 (page 53) Suggest you add words after "To the maximum extent feasible" as follows: "and balance with permitted use", so that it would now read: "To the maximum extent possible and in balance with permitted use, require that site planning, construction and maintenance of development preserve existing healthy trees and native vegetation on site". E2

3. Goal OS-10.1.2 (page 55) Add: and in conjunction with the Mendocino Coast Recreation and Park District Master Plan. E3

4. OS-10.3 (page 56) Add to the end of the statement: and that of MCRPD as defined in its Master Plan. E4

5. OS-11.2 (page 56) Add after "new neighborhood parks": "in concert with other local recreation agencies". E5

6. Add the Catholic Church Park, "Paul Bunyan Park" to the Map OS-2 of Existing and Proposed Park and Recreational Facilities E6

213 EAST LAUREL STREET • FORT BRAGG, CA 95437 • (707) 964-9446

7. OS-11.6 (page 57) add an "e" which states "appropriateness (physical characteristics) of site to meet specific recreational need". E7

8. Policy OS-11.7 (page 58) add a "d" which states to coordinate with other agencies to secure potential funding. E8

9. Policy OS-12.3 (page 58) add "City/School/Recreation District Cooperation: Continue to encourage City/School District/Recreation District/ cooperation in developing and maintaining park and recreation facilities. E9

Draft Environmental Impact Report

1. Regional Parks (page 237) add words: "Jackson Demonstration State Forest a working forest mandated by the State to demonstrate a variety of forestry techniques and practices, located east of the City on Highway 20, with trails for hiking, biking and horseback riding, campgrounds and hunting areas". E10

2. Recreational Needs (page 239) The statement that the property north of Elm and west of Glass Beach should become a regional park is in conflict with the statement in the Regional Park section (page 238) stating that there are ample regional parks in the area, and there is no need to develop additional regional parks. E11

3. In the Recreational Needs Section (page 240) the following should be added to MCRPD has stated that the following improvements are recommended: Phase 2 of the Community Center (Phase 1 is the Aquatics Center) which includes a gymnasium and other support facilities. E12

4. Impact 4.15-A Section – the track on Redwood School could be redeveloped as a football and soccer field. E13

Please feel free to contact me if you have any questions regarding the above comments.

Sincerely,

Charlie Boise
District Administrator

Response to Letter from Charlie Boise, Mendocino Coast Recreation and Park District

E1. The criterion is defined as typically used for EIRs. No change is required even if there is duplication of the lists.

E2. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E3. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E4. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E5. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E6. This is not a public park and was thus not included on Map OS-2. However, the City may consider adding this facility if it desires.

E7. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E8. This requested change was forwarded to the City Council. The requested change does not fit with the intent of the program which is to identify funding sources and not to coordinate with other agencies. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E9. This requested change was forwarded to the City Council for its consideration and approved. The requested change is not required to reduce any impact to a less than significant level. On the other hand, if the requested language was added, it would not result in any new or more significant environmental impacts.

E10. This addition will be made as requested. This change in text will not alter the analyses, conclusions, or recommendations of the DEIR.

E11. The comment is noted. See Comment B16 and the response to that comment above.

E12. This addition will be made as requested. This change in text will not alter the analyses, conclusions, or recommendations of the DEIR.

E13. The comment is noted for the record. As no question is asked regarding the DEIR, no additional response is required.

California Regional Water Quality Control Board

North Coast Region

Winston H. Hickox
Secretary for Environmental Protection

William R. Massey, Chairman

Gray Davis
Governor

Internet Address: http://www.swrcb.ca.gov/rwqcb1/
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

RECEIVED
OCT - 1 2002
CITY OF FORT BRAGG
PLANNING DEPT.

September 30, 2002

Linda Ruffing
Community Development Department
City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437

Dear Ms. Ruffing:

Subject: City of Fort Bragg General Plan Update

File: Fort Bragg - GPD

Thank you for the opportunity to comment on the Fort Bragg 2002: General Plan. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for portions of this Plan as defined by the California Environmental Quality Act (CEQA). The Regional Water Board will not be taking any direct permit action as a result of this General Plan. However, the Regional Water Board is responsible for permit issuance and compliance for the City of Fort Bragg Wastewater Treatment Facility. Additional growth as projected by the General Plan, may result in adverse impacts on the wastewater treatment facility. Currently, the Regional Water Board has concerns regarding infiltration and inflow into the wastewater facility's collection system and have additional concerns regarding the facility's solids handling and disposal processes. Additional flow into this system without corresponding improvements to the wastewater facility (including the collection system) may lead to adverse impacts to water quality. F1

Many projects forecast by the General Plan will be subject to permitting by the Regional Water Board. Specifically, permits are required for all construction projects with 5 acres or more of ground disturbance (drops to 1 acre after March, 2003), any project occurring within waters of the state (including wetlands), storm water discharges from certain categories of industry and discharges from wastewater disposal systems. F2

F3

Overall, this document contains a good evaluation of potential water quality impacts and contains many proactive mitigation measures for preventing such impacts. Measures such as wetland protection, stream setbacks and storm water runoff controls, if properly implemented, will help mitigate for impacts of development. However, it appears that in many cases, different mitigation measures are proposed for areas within the coastal zone as compared to other areas. Water quality protection measures should be employed to protect all surface waters, not just those adjacent to the ocean. We strongly encourage the adoption of consistent codes and mitigation measures for all areas covered by this General Plan.

We have reviewed the General Plan and offer the following specific comments:

F4

1. It appears that no map exist of wetlands within your jurisdiction. As you know, the state has a "no net loss" policy for wetlands. All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the state. Destruction of or impacts to these waters should be avoided. Please discuss the strategy for reducing wetland disturbances associated with this project. We recommend mapping the wetlands as part of your General Plan Update process to protect these sensitive acres from future development. Once the areas have been identified, we recommend the wetland areas be set aside in the General Plan as Open Space for future use as mitigation banks and/or provide opportunities for educational facilities.

F5

2. The General Plan recommend a 30 foot set back from the top of the streambank, we recommend the creek preservation zone should be at least 100 feet to ensure adequate protection for this sensitive area from construction activity and development. Anything less than 100 feet may not be wide enough to serve as an effective habitat and/or corridor for animals. It would behoove the City of Fort Bragg to place a 100-foot buffer around sensitive habitat to protect from future development. In addition, the 100-foot buffer would increasing habitat value, which in turn may reduce flooding and help address runoff issues.

F6

3. We concur that non-native species along creeks need to be eradicated. As non-native species provide poor habitat and have the potential to take over, especially in areas close to riparian zones. Overall, vegetation removal needs to be kept at a minimum to safeguard the beneficial uses of the stream. Additionally, the use of native vegetation is imperative and will help to lessen the impact from future projects. We suggest the replanting ratio be at least three - to - one to especially in riparian zones to ensure adequate replacement.

4. The Regional Water Board would like to encourage the City of Fort Bragg to adopt a Grading Ordinance along with the proposed Municipal Storm Water Program to help reduce erosion from construction projects on the highly erosive soils found within the City of Fort Bragg. F7

5. Municipal Storm Water Permits – The Federal Clean Water Act requires that municipalities who discharge storm water runoff to surface waters to obtain a storm water permit and conduct activities to minimize pollutants contained in runoff. We are encouraged to see that the City of Fort Bragg is using the General Plan process to develop storm water control strategies. Obtaining coverage under the storm water permit and implementing measures to comply with the permit should help mitigate impacts from existing and future development. As you know, the Regional Water Board may designate municipalities for coverage under the Storm Water Permit Program. The General Plan and environmental document provide good information in support of such designation. Additionally, urban development in general results in increases in pollutant loading and runoff flow volumes over pre-construction conditions. Appropriate control measures should be considered to mitigate the impacts from these increases. Such measures including public outreach and education, oversight of municipal and private development and consideration for post-development storm water treatment from all new development and should include infrastructure improvements will help protect water quality from storm water discharges. F8

6. It does not appear that the Georgia Pacific site has been slated for future development As this site houses wetlands, please consider alternative land use zoning for this site that would protect or support avoidance of this sensitive habitat. In addition, many opportunities for wetland and stream restoration exist in this area. Consideration should be given to such projects. F9

Staff appreciates the attention given to water quality issues and we look forward to working with you on this and future projects. If you have any questions or comments regarding this matter, please contact me at (707) 576-2065 or Sheri Shelley, Environmental Scientist Intern at (707) 576-2376.

Sincerely,

John L. Short
Senior Water Resource Control Board

SKS:tab/fortbraggeneralplan.doc

California Environmental Protection Agency

Recycled Paper

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov/."

Response to Letter from John L. Short, Regional Water Quality Control Board

F1. The problems with the City's wastewater treatment facility are described on page 196-197 of the DEIR. As described on pages 198-201 of the DEIR, future development will be allowed only if there is adequate wastewater treatment and disposal capacity, and the facility meets required standards.

F2. This information is noted for the record. As no questions are asked regarding the DEIR, no additional response is required.

F3. The Draft General Plan does provide essentially the same protection for water-related resources. The EIR preparers believe the commentor did not understand that policies denoted with the wave symbol apply to all lands within the City and not just the Coastal Zone.

F4. Mapping of wetlands throughout the City and its Sphere of Influence is not required for a Program EIR. The DEIR is based on existing information. Site-specific surveys for wetlands would occur if and when a development application is received. The EIR preparers do not have legal access to private properties and would not be able to conduct the required mapping. The Draft General Plan contains extensive policies and programs for protecting wetlands. For example, see the following:

- Policy OS-1.1 which requires Special Review for any area containing wetlands;
- Policy OS-1.2 which requires protection of wetlands to the maximum extent feasible;
- Policy OS-3.1 which requires preservation, protection, and enhancement of streams;
- Policy OS-3.2 which preserves and protects riparian habitat;
- Policy OS-3.3 which states there will be no net loss of wetland; and
- Policy LC-3.1 which requires preservation of wetlands through Special Review.

Any wetlands not currently mapped as Special Review Areas will be identified during specific project review. The policies and programs aimed at preserving wetlands will apply to these wetlands whether or not they are included on Map OS-1. The request that identified wetlands be set aside for future use as mitigation banks and/or provide opportunities for educational facilities is noted for the record and was forwarded to the City Council for its consideration. However, given the Draft General Plan's requirement that there be no net loss of wetlands, the recommended changes are not needed to reduce impacts to a less than significant level.

F5. The recommendation is noted for the record and was forwarded to the City Council for consideration and approved. The EIR preparers agree that a 100-foot setback would further reduce potentially significant impacts to streams. This 100-foot setback is required for Coastal Zone wetlands (see Program LC-3.2.1).

F6. The Draft General Plan (under Policy OS-6.1) recommends the prohibition of planting aggressive non-native species. The recommended 3:1 replanting ratio is noted for the record. This is a zoning issue and not a General Plan policy issue, though the City may decide to include this request as part of Program OS-6.1.1.

F7. Program OS-2.1.3 states that the City will adopt a Grading Ordinance consistent with the commentor's request.

F8. The recommendations for the City's future Municipal Stormwater Program will be considered by the City when it develops that Program.

F9. Future development of the Georgia-Pacific site will be addressed in a specific plan(s) for that property (per Program LU-5.1.1). The specific plan(s) will need to be prepared and adopted consistent with other policies and programs of the Draft General Plan, including all policies and programs requiring preservation and protection of wetland habitats.

State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

GRAY DAVIS, Governor

RECEIVED
SEP 0 2002
FORT BRAGG
PLANNING DEPT.

September 30, 2002

Ms. Linda Ruffing
Community Development Director
Fort Bragg Community Development Department
416 North Franklin Street
Fort Bragg, CA 95437
Fax: (707) 961-2802

Dear Ms. Ruffing:

Draft Environmental Impact Report
City of Fort Bragg General Plan
SCH 1998012027
Mendocino County

Department of Fish and Game (DFG) personnel have reviewed both the Fort Bragg General Plan Draft Environmental Impact Report (DEIR) and the City of Fort Bragg General Plan, Public Review Draft (Draft Plan). The purpose of the DEIR is to identify and evaluate the potential environmental impacts of the proposed Draft Plan. The Draft Plan states the goals, policies and programs that guide the future development of the City of Fort Bragg (City). The Draft Plan's planning area includes the current City limits and the potential future annexation areas identified as the City's Sphere of Influence (SOI). DFG understands that areas in the SOI are under County jurisdiction until annexed to the City. DFG appreciates that the City is updating their General Plan and evaluating their biological resources through the planning process.

The Sensitive Species Map (Figure 9) of the DEIR cites a 1996 version of the California Natural Diversity Database (CNDDB). DFG regards CNDDB data more than two years old as insufficient for obtaining recent rare and sensitive plant and animal location information. Please provide an updated map with CNDDB species reference information. G1

DFG has determined that the CNDDB (USGS Fort Bragg quadrangle) lists several rare plant, animal, and plant communities that are not cited in Table 6 of the DEIR. These include: California Native Plant Society (CNPS) list 1B coastal triquetrella (*Triquetrella californica*), deceiving sedge (*Carex saliniformis*), G2

Bolander's pine (*Pinus contorta* ssp. *bolanderi*), pygmy cypress (*Cupressus goveniana* ssp. *pigmaea*), California species of special concern southern seep salamander (*Rhyacotriton variegates*), and the plant community Sphagnum Bog. Please add these plant species to Table 6 and add a description of Sphagnum Bog to the Biotic Communities list. Table 6 lists California sedge (*Carex californica*) CNPS 2 as generally found in coastal prairie. California sedge is also found in Mendocino Pygmy Cypress Forest, bogs and fens, or closed-cone forest (Northern Bishop Pine). CNPS List 1B plants are considered to be rare, threatened or endangered in California and elsewhere, and are endemic to California. It is generally recognized that most plants on the CNPS List 1B can be shown to meet the criteria for official State or Federal listing as endangered, threatened, or rare. California Environmental Quality Act (CEQA) Guidelines Section 15380 provide that taxa that can be shown to meet the criteria for listing as rare and sensitive should receive consideration during CEQA review. G3

The DEIR, in the Vegetation and Wildlife section (Page 95), lists the biotic communities (Holland 1986) that occur within the City and SOI. The DEIR states that Northern Bishop Pine and Mendocino Pygmy Cypress Forest plant communities are ranked by the CNDDB as very threatened. The DEIR also states that Bishop Pine Forest and Pygmy Cypress Forest (i.e., Mendocino Pygmy Cypress Forest) do not occur in either the City or SOI. Both plant communities are described in Holland as occurring primarily on coastal terrace or on the coast in the vicinity of Fort Bragg, and Figure 9 of the DEIR depicts Element occurrence #81, Mendocino Pygmy Cypress Forest, in the eastern portion of the City and SOI. DFG also has aerial photos on file showing both plant communities located in the eastern portion of the City and SOI. Please quantify how much of these rare plant communities are still remaining within the City and SOI. The Mendocino Pygmy Cypress Forest plant community supports several rare and sensitive species such as Bolander pine, Mendocino pygmy cypress, California sedge, and CNPS 1B coast lily (*Lilium maritimum*). G4

The DEIR, Impact 4.3-A (page 113) states, "The City conducted a fishery study to assess the impacts of its current pumping regime on fish. This study indicated that City withdrawals from the Noyo River under its current pumping regime have no adverse effect on salmon, steelhead, or other fish." Please provide a copy of the study for our review and comment. We also suggest that a copy of the study be provided to the National Marine Fisheries Service. G5

The Draft Plan's Conservation, Open Space, and Parks element (Page 50) states the City's goals. Policy OS-1.1 designates Special Review Areas "as areas in the city containing watercourses, wetlands, sensitive plant and wildlife habitat, and forested land including lands supporting the Northern Bishop Pine plant community." DFG recommends that the Mendocino Pygmy Cypress Forest plant community be added to the list of Special Review Areas. G6

The Draft Plan states (Page 50) that other properties in the Planning Area not shown on either map LC-2 or OS-1 containing environmental resources may be designated as Special Review Areas during the development process. Map OS-1 shows environmentally sensitive habitat areas occurring along the major river corridors and the coastal bluffs. The map does not depict environmentally sensitive habitat areas on the marine terraces of the City and the SOI. DFG staff believes that some parcels in the eastern portions of the City and SOI could be occupied by Northern Bishop Pine Forest, Mendocino Pygmy Cypress Forest, or freshwater wetlands which would be characterized as environmentally sensitive habitat areas. G7

DFG appreciates the opportunity to comment on the DEIR and its associated Draft Plan. If you have any questions or comments, please contact Ms. Tina Fabula, Associate Biologist, at (707) 944-5538; Mr. Liam Davis, Environmental Scientist, at (707) 944-5529; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

Sincerely,

Robert W. Floerke
Regional Manager
Central Coast Region

cc: See Next Page

cc: State Clearinghouse
Post Office Box 3044
Sacramento, CA 95812-3044

National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404-3528

Leonard Charles and Associates
7 Roble Court
San Anselmo, CA 94960

Response to Letter from Robert W. Floerke, California Department of Fish and Game

G1. The CNDDB printout was obtained when preparing an earlier version of the EIR. It is recognized it is over two years old and that there are populations of other (recently identified) special status plants and animals that may occur within Fort Bragg. However, it is to be remembered that this is a Program EIR that is intended to determine whether the policies and programs of the Draft General Plan would provide adequate protection of sensitive biotic species. The Draft General Plan includes maps (Map LC-2 and Map OS-1) showing all areas where Special Review is required for any project application. As described under Policy LC-3.1 and Policy OS-1.1, any development in these areas will require a thorough review of sensitive biotic species and habitats on the project site. Program LC-3.1.4 states that the areas containing sensitive environmental habitat will be updated as new information becomes available. Special Review is also required for sites not shown on these two maps if City staff believes there is the possibility that a site contains sensitive biotic species or other environmentally sensitive resources. Future projects will be required to have CNDDB printouts done at the time an application is made. Even if a new CNDDB printout were obtained for this current version of the EIR, it would be out of date within two years. The EIR preparers believe the printout contained in the DEIR adequately indicates areas where sensitive plants and animals may occur. Even if additional species were added, the policies and programs of the Draft General Plan would equally apply to these species. The new species would not alter the conclusions of the Draft EIR that the policies and programs of the Draft General Plan would provide adequate protection for these species.

G2. These species are hereby added to the DEIR as requested.

G3. As stated in Policy OS-6.1, all CNPS List 1B plants are provided protection, and any project proposed on an area containing plants on this list will need to undergo Special Review.

G4. This Program EIR is not required to conduct field surveys to quantify the amount of acreage of any particular plant community. The EIR preparers do not have legal access to private property, so it would not be possible to conduct the requested surveys. The Draft General Plan specifically requires Special Review for any project in an area supporting these plant communities (see Policy OS-1.1). The extent of these communities on the project site and in the nearby area would be the subject of that subsequent Special Review.

G5. This request has been forwarded to City staff.

G6. As requested, Mendocino Pygmy Cypress Forest will be added to Policy OS-1.1, though City staff does not believe this vegetation type exists within the City or its Sphere of Influence.

G7. As stated above, Policy OS-1.1 states that areas not shown on the cited maps will be afforded Special Review if City staff determines there is the possibility of the site containing sensitive species or habitats.

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

September 30, 2002

LINDA RUFFING
FORT BRAGG COMMUNITY DEVELOPMENT DEPARTMENT
416 NORTH FRANKLIN STREET
FORT BRAGG CA 95437

RE: DRAFT GENERAL PLAN

Dear Ms. Ruffing:

Thank you for the opportunity to comment on the Draft General Plan for the City of Fort Bragg. Please recognize that the comments provided within this letter represent the views of the County Planning and Building Services Department. The Draft Fort Bragg General Plan has not been reviewed by the County Planning Commission or Board of Supervisors.

1. As a very general comment, I would note that the City Planning Commission and City Council should understand that, according to page 16, the City projects over 600 multi-family units (compared to 100 single family dwellings) may/will be constructed over the next ten years. H1

   Based upon housing records for the past decade (page 130) this would be a major shift not only in the number of housing units constructed annually but also the type of housing. While certainly a noble idea to concentrate development and provide housing opportunities for very low to moderate income households, the City should carefully consider if it is realistic to anticipate an additional 600 multi-family dwellings over the next decade when potentially competing goals such as Goal C-3 "Preserve the peace and quiet of residential areas" (page 69) are found within the draft Plan.

2. I should also point out that the County of Mendocino is currently in the process of updating the County General Plan and LCP. To a great extent the draft General Plan for the City mirrors the 1981 General Plan and 1985 Coastal Element for the Sphere of Influence. The County update process will take a look at the existing land use classifications and designations and determine if the allowable densities should be increased, decreased, or maintained. It is possible that the County General Plan update process could conclude that it is in the community's best interest to increase land use densities within the City's Sphere of Influence. H2

3. On page 10, the draft Plan establishes the maximum dwelling density for the RR-5, RR-2 and RR-1 classifications found within the Sphere of Influence. Outside the Coastal Zone, the County of Mendocino allows a second dwelling on a parcel regardless of the General Plan classifications. For example, an existing 3 acre parcel classified RR-5 in the County General Plan may have a second residential unit provided adequate water and sewage disposal is available. The City General Plan should acknowledge that second residential units may be constructed **in addition** to the maximum allowable densities established in the residential land use designations. H3

4. Noyo Harbor. The Harbor is discussed within the draft Plan on Pages 13, 23, and 43. The County Coastal Element establishes policies for the harbor that were based upon both a history and vision that commercial fishing industry would continue as the dominant and exclusive land use within the Harbor. The draft City General Plan, to a great extent, continues this theme while allowing some limited opportunities for other types of commercial endeavors, ie: restaurants. Rather than a Specific Plan as called for in Program LC-4.1.1, the community should encourage the preparation of a focused land use plan for the Noyo Harbor with the cooperation and involvement of the Noyo Harbor District, the City, the County, local property owners, and appropriate State agencies. The focused land use plan for the Harbor and subsequent Coastal Element amendment should continue to give priority to coastal-dependent land uses such as commercial fishing, recreational boating and related uses, while increasing the range of other uses such as visitor-serving. The Plan should recognize the changes in the fishing industry, protect future commercial fishing and recreational boating opportunities and identify, establish and protect adequate areas within the harbor for these coastal-dependent land uses. We should strive to enhance and encourage the Harbor to be a vibrant focal point for the community. H4

5. Annexation. Page 18 of the Draft Fort Bragg General Plan establishes the annexation standards for City. The rigid standards contained within the Plan may preclude the City from annexing lands, which logically should be incorporated within the City limits. For example: H5

A) The second bullet prohibits "leapfrog" annexations. The compact Sphere of Influence, as identified on Map LU-2 rightfully precludes the City from annexing lands far removed from the current city boundaries. As written the policy prohibits the annexation of a parcel or area if it is not contiguous to a developed area even though it may be beneficial either socially, economically and/or environmentally, for the City to provide services and establish land use authority.

B) The third bullet mandates that the City conclude that an annexation will not have an adverse fiscal impact to the City. H6

It is quite possible that this standard would prohibit the City from annexing any lands within the Sphere of Influence. It is extremely doubtful that any residential development would result in revenues to the City which meet or exceed the cost of providing public services (police, fire, etc.). Furthermore it may be found that even for the Noyo Harbor the cost of providing services exceeds the revenue anticipated from the proposed annexation.

As written within the draft Plan this rigid standard considers only the fiscal implications of annexation.

C) The sixth bullet within Policy LU-2.4 states that all proposed future development within an annexation area shall be consistent with the land use designations shown on the Land Use Designation Map. Since most of the area within the Sphere of Influence is proposed for a classification of 1, 2 or 5 acre minimum (which generally mirrors the 1981 County General Plan and 1985 County Coastal Element) there would appear little incentive for the property owners within these areas to endorse or request annexation. Perhaps the Plan should consider increased densities for these areas since annexation would potentially provide community water and sewer services. H7

6. Maps LU-2, LC-1 and LC-2. See attached that identifies an apparent mapping error. H8

7. Page 72 of the Draft Plan addresses goals, policies and programs to improve east-west access. It is unclear if the extensions of Oak Street, Chestnut Street and Redwood Avenue are to be the east-west arterials between Main Street and east Fort Bragg or if the Regional Transportation Plan will identify possibly some other needed east-west streets. The identification of specific east-west road extensions should be an important component of the City's Circulation Element and should not be deferred to the Regional Transportation Plan. H9

8. The Safety Element of the draft Plan should reference any action (past or future) taken by the City to comply with State law regarding unreinforced masonry structures. H10

I appreciate the opportunity to review and comment upon the draft City of Fort Bragg General Plan. The City is to be commended for its dedication and persistence in preparing the community's "blueprint" for the next ten years.

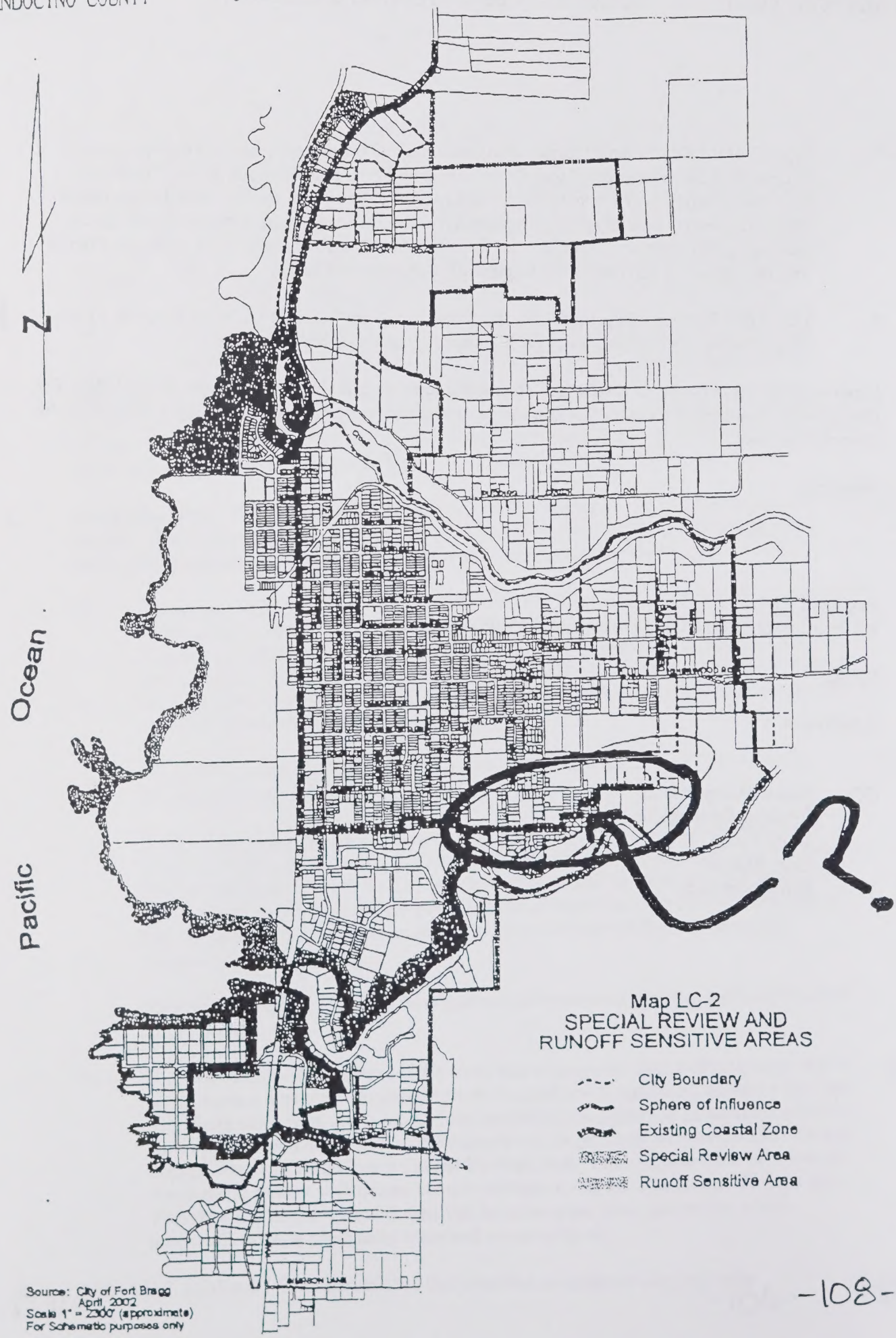
Sincerely,

Raymond Hall
Director of Mendocino County Planning & Building Services

RH:sb

Attachment

CC: Board of Supervisors
Planning Commission
Doug Zanini
Gary Padroni
Pam Townsend


N
Pacific Ocean
Map LC-2
SPECIAL REVIEW AND
RUNOFF SENSITIVE AREAS
City Boundary
Sphere of Influence
Existing Coastal Zone
Special Review Area
Runoff Sensitive Area
Source: City of Fort Bragg
April, 2002
Scale 1" = 2000' (approximate)
For Schematic purposes only

Response to Letter from Raymond Hall, County of Mendocino Department of Planning and Building Services

H1. The comment is noted for the record. The Draft General Plan projects the development of this number of new units despite that number being higher than historic growth rates to ensure that the EIR for the Draft General Plan assesses a "worst case" scenario. If this level of growth is not experienced, then the impacts identified in the DEIR would be less than projected. As regards the number of multi-family units versus single-family units, it is recognized that the number does not reflect past development trends. Nevertheless, this is the type of housing the City has determined is needed to meet the housing needs over the next ten years. While "peace and quiet" may be less possible with higher density housing, the demand for such housing is substantial in Fort Bragg.

H2. This comment is noted for the record. If the County were to redesignate unincorporated lands within the City's Sphere of Influence to allow more development than currently allowed in the County's General Plan and Coastal Element and the City's Draft General Plan, then more development might occur in the SOI than predicted. However, it is currently speculative whether such changes would be made and how much actual development might occur in the SOI over the next ten years (since it is likely the County's new General Plan would not be adopted for 2-3 years). In addition, it is expected that the County and City will continue to work together regarding land use densities in the SOI per Program LU-1.1.3 and Program LU-2.3.1 of the Draft General Plan. Finally, it should be noted that the Draft General Plan does not exclude higher densities in the east Fort Bragg area. when such development is accompanied by a master plan showing dedications of land and/or funding mechanisms for trails, greenbelts, parkland, and/or a ballfield complex.

H3. Second units are allowed on parcels within the City's jurisdiction to the degree that the parcel is served by an adequate street (at least 36 feet in width) and the parcel meets other requirements established in Section 18.72.200 of the City's Municipal Code.

H4. The specific plan called for in Program LC-4.1.1 does not conflict with the suggestions of the commentor, whether it be called a specific plan or a focused land use plan. The cited program includes the suggestions of the commentor, namely that the plan give priority to coastal-dependent uses while increasing the range of visitor-serving uses.

H5. Prohibiting "leap frog" annexation is consistent with State law. See the subsequent Comment Letter from LAFCO where LAFCO lists annexation requirements (see specifically Point No. 3 under Section II of that letter).

H6. The comment is noted for the record. It is true that annexation may be hampered by the fiscal requirements cited. However, this was the decision of the City in preparing the Draft General Plan - that it did not wish to require existing residents and businesses to be required to finance new development in areas not currently within the City. In addition, it is noted that applicants for annexation can include additional taxing devices, such as a Mello-Roos District, to compensate for

potential adverse fiscal impacts on the City. A Mello-Roos District or some other taxing mechanism could provide sufficient tax revenues to the City to result in the annexation having a positive, or at least neutral, fiscal impact on the City. .The commentor's opinion was forwarded to the City Council for their consideration.

H7. The commentors' suggestion is noted for the record and was forwarded to the City Council for its consideration. The City, in preparing the Draft General Plan, had as an objective to maintain a compact city with low density development on its outskirts feathering into undeveloped or very lightly developed lands further outside the City. This is the rationale for maintaining these low density land use designations in most of the SOI. However, Program, LU-2.4.2 would allow higher density development in the east Fort Bragg area with the approval of an accompanying master plan.

H8. The cited maps appear correct. As the commentor does not state what errors he perceives, no further response is possible. If the commentor is referring to the eastern extension of the Coastal Zone boundary, this is an accurate rendering of that boundary. The Coastal Zone proceeds east from the east end of the mapped line, but that eastern portion is within the County's jurisdiction. As such, it is not mapped for the City's Coastal Zone. Land within the City lying south of the line is within the Coastal Zone.

H9. It is premature to identify explicitly what streets would be arterials serving east Fort Bragg. As the commentor notes in Comment No. 2 above, the County may be increasing allowable densities in all or part of this area when it adopts its revised General Plan. The policies of the Draft General Plan provide a framework for ensuring adequate access to the east Fort Bragg area, and the precise streets to be developed for that purpose need not be identified at this time. However, the commentor's suggestion was forwarded to the City Council for its consideration.

H10. The Draft General Plan does not contain policy language regarding unreinforced masonry structures. It is recommended that the following program be added to Policy SF-1.1:

Program SF-1.1.9: Continue to comply with State law regarding reinforcement of unreinforced masonry structures.

OCT-07-2002 09:02 CITY OF FORT BRAGG

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 445-6412
FAX (707) 441-5869
TTY (707) 445-6463

2002
CITY OF FORT BRAGG
PLANNING DEPT.

Flex your power!
Be energy efficient!

October 2, 2002

1-MEN-1/20
City or Fort Bragg
General Plan Update/Draft EIR
SCH # 1998012027

Linda Ruffing
Community Development Director
City of Fort Bragg
416 N. Franklin St.
Fort Bragg, CA 95437

Dear Ms. Ruffing:

Thank you for giving Caltrans the opportunity to comment on the City of Fort Bragg General Plan Update and Draft Environmental Impact Report (DEIR). In addition to our comments from previous correspondence, we offer the following comments:

Element II. Land Use

- The Hare Creek Bridge is within a few hundred feet of the City Boundary and identified Sphere of Influence. As noted on page 187 of the DEIR, this bridge serves as an important "gateway" feature for the City. Projected growth within the City and its Sphere of Influence could cause operational impacts to this bridge. We recommend that the Transportation and Circulation section within the DEIR for the Plan include calculations for existing and future regional and interregional traffic operations at the Hare Creek Bridge. 11

- We support community-based transportation planning efforts and livable/walkable community concepts. These concepts include bicycle/pedestrian facilities, re-use and infill development, mixed use/walkable neighborhoods, traffic calming measures (where appropriate), community open-space/recreation areas, and other measures that can reduce the need for motorized vehicles and the problems associated with their increasing use. 12

Element VI. Circulation Element

- Table C-4 on page 65 of the General Plan should be edited to reflect the correct State Route (SR) segments. Each segment is on SR 1, not SR 20. 13

- We recommend Policy C-2.6 on page 68 of the General Plan read: "Require right of way acquisition for new development to meet City and Caltrans standards for roadway width." 14

- Regarding Goal C-4 on page 69 and Policy C-4.1 on page 70 of the General Plan—While we support the community's efforts to preserve and enhance walkability and the sense of place in the Mainstreet Corridor, please note that allowing traffic congestion to reach an undesirable LOS would likely have a significant impact on the quality of life for the residents of Fort Bragg and the traveling public. 15

- Modal options help reduce congestion and provide convenient choices for the traveling public. Caltrans will continue to work with the City of Fort Bragg and Mendocino Council of Governments to develop a safe, context sensitive, multi-modal transportation system—including transit, bicycle and pedestrian facilities. 16

Element VII. Community Design

- We support the use of context sensitive solutions to improve safety, calm traffic (where appropriate) and create more livable communities. Close coordination with Caltrans should take place for projects on State Highways prior to environmental clearance or permit approval. 17

General Comments

- Thank you for including the Caltrans District 1 correspondence of 12/13/96, 1/30/98 and 11/6/01 in the Draft EIR for this General Plan Update. We look forward to working closely with the City and community in the realization of this plan. We applaud the community's efforts to improve their environment and plan for the future.

If you have questions or need further assistance, please feel free to contact me at the number above, or Brian Travis of District 1 IGR at (707) 441-5812.

Sincerely,

Rex A. Jackman,
Transportation Planner
District 1 Community Planning

c. Gregoria Garcia, State Clearinghouse

Response to Letter from Rex A. Jackson, California Department of Transportation

I1. The Hare Creek Bridge is outside the City, and the City did not request analysis of future operations of this bridge as part of the DEIR. However, the City should consider assessment of operations on this bridge during future project-specific traffic analyses.

I2. The commentor's statement is noted for the record. As no specific questions are asked, no response is required. However, the EIR preparers would note that the Draft General Plan does contain a substantive number of policies and programs that support his suggestions.

I3. The corrections will be made to the Final General Plan as requested.

I4. The request is noted for the record and was forwarded to the City Council for consideration.

I5. The comment is noted for the record. As no specific questions are asked regarding the DEIR, no additional response is required. However, the commentor is directed to the Changes to the Draft General Plan section at the beginning of this FEIR regarding the City's proposed changes to policies regarding future operations on Highway One.

I6. The statement is noted for the record. As no specific questions are asked, no response is required.

I7. The statement is noted for the record. As no specific questions are asked, no response is required.

Comments submitted by Chuck Greenberg, 9/20/2002

A PROPOSAL TO ADD A POLICY ITEM TO THE GENERAL PLAN HOUSING ELEMENT TO PROMOTE DEVELOPMENT OF AFFORDABLE HOUSING BY SMALL AFFORDABILITY DEVELOPERS

J1

Predicate of appeal for special policy consideration and zoning:

The current GP and Zoning and the new draft GP Housing Element do not provide workable tools for small-scale non-profits like Habitat and RCHDC seeking to produce 100% low or moderate income housing. Density Bonuses, Redevelopment covenants and Inclusionary Zoning were designed as incentives for larger entities and projects, especially rentals, rather than small community based charitable developers.

Problems with current zoning:

- Instruments like Inclusionary Zoning target unwilling for-profit developers to promote the outcomes that Habitat and RCHDC actively seek as a desirable goal, affordability.
- Density Bonuses require projects of 5 or more units where most local affordable projects are smaller. So few buildable lots are available and at such high prices that smaller projects will be even more likely in future. Even larger ones, such as Habitat's on Dana at Oak, often take years to fund and unfold and may be on several sites.
- If more than one incentive is given for a Density Bonus project it triggers 30 year resale covenants that are very restrictive and contrary to the mission of our affiliate to increase equity sharing earlier as a means to lift the owner permanently out of poverty. This is also contrary to the current practice of RCHDC to date.
- Redevelopment dollars, as of January 2002, carry a 40 year term that is even more onerous.
- Both involve contractual arrangements, equity sharing and other complications for working families and Habitat affiliates.
- 6000 foot lot requirements often limit best use of common odd size lots in FB [7500, 9000, and 11,000 feet] and many acre or 2 acre lots will not easily subdivide to give the maximum number [6 per acre] allowable due to requirements for roadway, parking, circulation, setbacks, etc.
- Smaller houses, typical of low income affordable development, get no special consideration, even though 2 such units on a 6000 foot lot uses less FAR than a typical mid or upper income legal home and garage and will have less impact visually.
- This is even more the case if one elects to max out the FAR with a 2nd unit which low-income developers do not offer a single 1st time buyer.
- Statutory covenants preserve the City's housing targets, but at the expense of homeowner equity, which is especially unfair where no public money is used.

Some solutions:

Add a GP Housing Element Policy to afford special consideration to developers meeting all [or sufficient] of the following criteria:

1. They are a not-for-profit 501(c)(3)
2. Their market is 1st time homeowners
3. They are a sweat-equity builder
4. 100% of the homes will be sold to low or moderate income families using HUD criteria
5. That the scale of the project be small [under 2 acres, for example,] and compatible in design and scale to the surrounding neighborhood where relevant
6. That there be covenants in place for resale to limit and share equity over time
7. That there be a covenant eliminating the option to develop a 2nd home on a parcel that has been approved for subdivision below the usual 6000 foot minimum
8. That where public money has been used for development [CDBG, Redevelopment, Fee Waivers, etc] the providing agency be made whole in the event of a market resale to a buyer

Response to Letter from Chuck Greenberg

J1. The commentor does not ask any questions regarding the DEIR, and no response is required. As regards the commentor's proposed changes to the Draft General Plan, these changes were discussed at the October 16, 2002 public hearing on the Draft General Plan held before the City Planning Commission and City Council. The following changes were approved in concept at that hearing:

A bullet item will be added to Program H-2.2.2 which states:

Program H-2.2.2 Consider Zoning Ordinance Revisions: Consider the following Zoning Ordinance amendments to provide additional housing development opportunities:

- *revise the APO and the C-2 zoning districts to include a maximum allowable residential density of 24 units per acre with a conditional use permit;*
- *revise the Highway Visitor Commercial (HVC) District to allow residential uses at a density of 24 units per acre with a conditional use permit; and*
- *revise the Central Business District to allow a residential density of up to 40 units per acre as a permitted use above the ground floor.*
- *establish a procedure which allows for flexibility in applying development standards pertaining to roadways, setbacks, minimum lot standards, and parking requirements for affordable housing developments with continuing affordability requirements.*

Add the following to {Program H-2.8.2:

Program H-2.8.2: Update the Five-Year Implementation Plan: Revise the Redevelopment Five-Year Implementation Plan to include specific criteria for use of the 20 percent of the tax increment revenues collected which are allocated to the Housing Fund. Include criteria for the provision of full or partial waivers for affordable housing projects.

Add the following to Program H-3.6.1:

Program H-3.6.1 Adopt Continued Affordability Measures: Prepare deed restrictions and/or similar covenants to ensure the continued affordability of below market rate units for a specified minimum period of time for rental and ownership units which implement the requirements imposed by State and Federal laws.

rec'd at 9/25/02
public hearing

September 25, 2002

K1

Please change the zoning on parcel # 008-054-09 to the same as the rest of the block which is HVC.

This was requested by the owner in writing.

This was requested by me and it was stated that it would not be a problem as it would not affect the EIR.

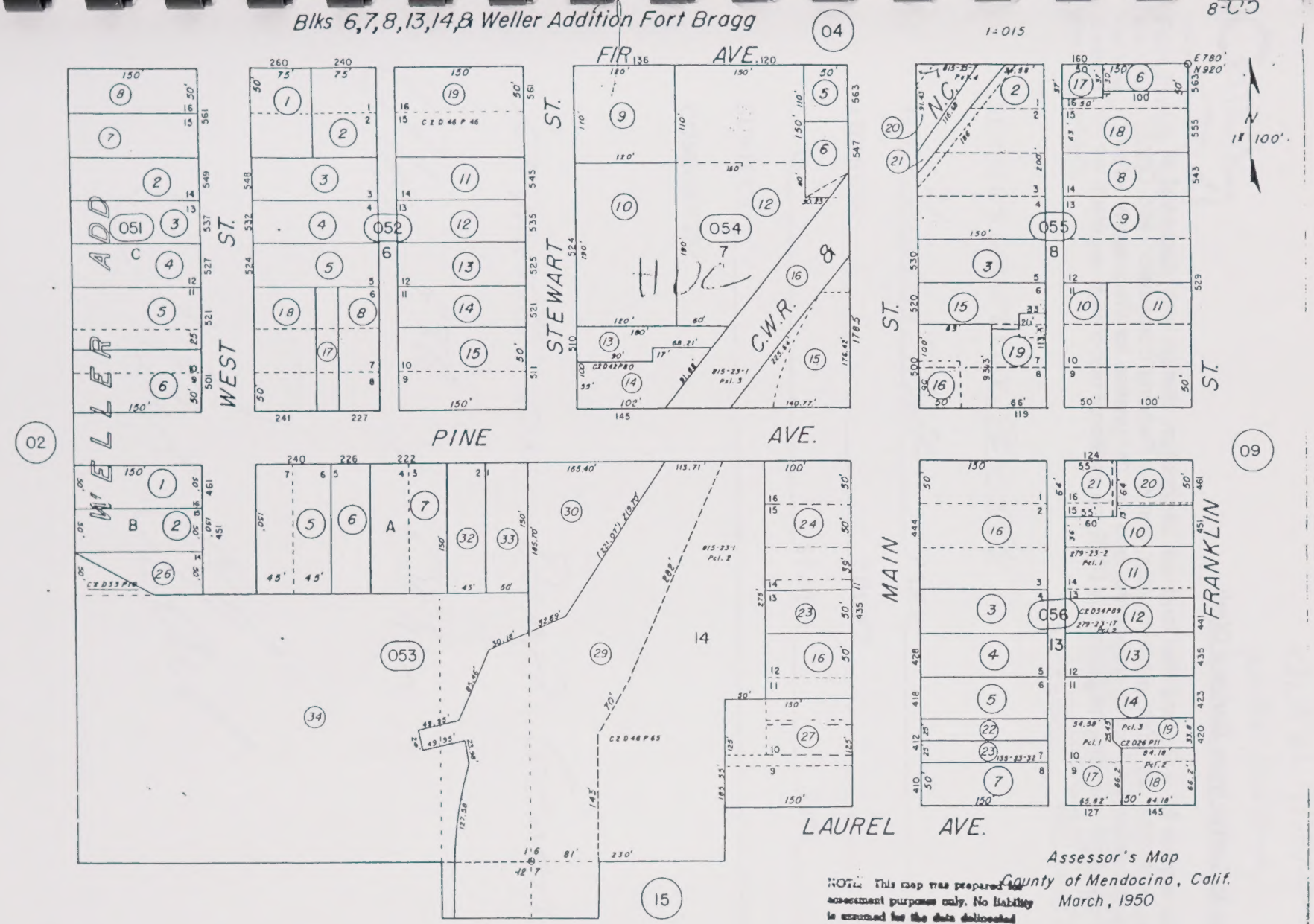
I was also told that it was too late. That is when I questioned why we would have a public hearing if it was too late.

Putting this property to R-1 from DTMR will affect it so please give it the HVC the same as the rest if the block.

Please see attached.

Respectfully,

Barbara Clark


Blks 6,7,8,13,14,8 Weller Addition Fort Bragg
8-C05
1=015
FIR AVE.
WEST ST.
STEWART ST.
NC
C.W.R.
PINE AVE.
MAIN ST.
FRANKLIN ST.
LAUREL AVE.
WELLER ADD
051
052
053
054
055
056
02
04
09
13
14
15
E780'
N920'
100'
Assessor's Map
County of Mendocino, Calif.
March, 1950
NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated hereon.

Response to Letter from Barbara Clark

K1. The request for a General Plan land use designation change was discussed at the September 25, 2002 public hearing, and the Planning Commission and City Council determined not to change the land use designation for the property. As no questions are asked regarding the DEIR, no additional response is required.

rec'd at 9/25/02 public hearing

Century 21
Fort Bragg Realty, Inc.
809 N. Main Street
Fort Bragg, California 95437
Business (707) 964-2121
Fax (707) 964-3402

FROM Paul Clark
DATE 9/25/02 TIME ____
OF PAGES ___ INC THIS PAGE

SENDER'S DIRECT LINE 964-0811

TO: Planning Staff FAX # _____

ADDRESS: _____ PHONE _____

CITY: _____ STATE: _____ ZIP: _____

SUBJECT _____

COMMENTS:

Comments on Draft General Plan, EIR & Other -

Paul Clark

MLS

FORT BRAGG GENERAL PLAN DRAFT AUG 2002

INTRODUCTION.

PAGE 4 - E. THE STATEMENT THAT THE GENERAL PLAN DOES NOT PROPOSE ANY REVISIONS IS MISLEADING, AS THE COUNCIL HAS REDUCED THE SPHERE OF INFLUENCE FROM THAT OF THE PREVIOUS GENERAL PLAN - SIGNIFICANTLY. L1

LAND USE ELEMENT:

MAP LU-1 REFLECTS PROPOSED ZONE - L2

* THE AREA ON NORTH MAIN ST. WAS PROPOSED TO BE GENERAL COMMERCIAL BUT IS NOW STILL H.U.C. SEE ATTACHED COMMUNICATIONS WITH LINDA RUFFING & CONNIE JACKSON.

PAGE 10 - G - RR2 - L3

A ONE ACRE PARCEL NEEDS NO CITY INFASTRUCTURE FOR AN OWNER TO DEVELOP A WELL & SEPTIC TO COUNTY CODE. THIS FURTHER HINDERS MEETING ANY HOUSING ELEMENT OR AFFORDABLE HOUSING STOCK.

Page 11 –

H. CBD allows a 1.0 FAR. All others are limited to .4 with no way to exceed or allow for housing above as in CBD which can go to 2.0 FAR. For upstairs units it should be greater than .4 FAR – Down Town CBD is not the only place housing could be provided. L4

Page 13 – TRI –

"See Program LU-5.1.4 – Designed to further restrict owners from full use of their property. L5

H-D – Fails to recognize the fact that fishing uses are a small percent of what was or will be. Uses should be expanded. L6

Page 17 – LU-2.2 – This is very short sighted – To require annexation while denying the possibility takes the choice of providing services for a good reason away from future councils – which is why it is in this GP. L7

Page 18/19 LU 2.4 -
These "Requirements" are way to Restrictive and do not allow a future council from acting in the best Interest of the City should a good annexation opportunity come up. Too Expensive, L

LU 2.4.1-2 & 2.5.1 & 2.5.2 are again Designed to restrict future councils from acting in the best Interest of the City. L9

Page 19.
The city - CBD is not now the "Commercial Cone" of the community. L1

Page 20 - LU 3.31 why Restrict the goal to 2 zones? Seems Short Sighted If in another zone It cant be done. L11

LU 3.5 Restricts development with Requirements beyond control of the Applicant. L12

Page 20

LU4 Further Aids the exodus of Fort Bragg dollars to Ukiah and beyond - L13

LU4.11 - Restrict "Formula business" L14
may be violation of Trade Laws -
would this include Century 21,
Mail boxes ETC ? Very unclear.

Big Box sizes are punitive, L15
especially the LU4.2 -C- "CARLSON"
Area - The only Real Area that
could develop -

LU4-2.2 - Vague - Not clear - Some
would say ≤ NO building could L16
meet this goal.

L17
LU4.3 - who shall determine "Adversely

LU4.3.2 R-1 ES NOT the only zone
That has B & B's. Discriminatory. L18

Page 22 -

LU-5.1.3 Is Many Weaven - PG&E And California are in big trouble And This Is Unamerican At best. L1

LU 5.1.4 -C - Shoulb be Iceagl - This would be An Automatic NO If It even got Processed by This city's Staff. Should be A violation of Free Trade Laws L20

LU 5.15 Is Rediculous!! "On Site" would not Allow going to Fred Holmes lumben to buy lumben to "Fill out" An ondea - This Is Stupid, And Is only here to make Sure G-P closes in the long Run - L21

LU 5.2 - To vague - who would deteraine "cumulatice" Impact - L2

LU 5.4-A. Does not Recognize decline In Fishing. L2

LU 6.12 - "compatible" Is In the Eye of the beholden - A no growth Issue. L2

Page 28 -

L25 PF-1.12 - Does not allow a future council to do what may be the best INTEREST of the city.

L26 PF 1.21 - Does not Allow for Private wells, SEPTIC SERVICES. All "Public" This is only to PRECLUDE ANNEXATIONS.

L27 PF 1.22 - Stupid!! sign a blank check? Another NO growth IDEA.

Page 29 -

L28 PF 2.1 .1 & .2 - Again - does not give Future councils the Room to do "the Right Thing" For the city - Example. ANNEX A Lot given to city for A hospital - could not do it -

Page 31 -

L29 PF 2.9.1 - Another REASON NO multiple units are being built - why waste time IN FORT BRAGG?

Page 45 -

L30 LC 5.2.2 - NO Allowance for SMALL PARCELS LIKE "ARLIE" ON NORTH MAIN - Condemnation without compensation

L31 Page 46 -
LC-6.1.1 — F.I.G. - who would do this study? A NO growth clause. who could know "ANY potential" IMPACTS? - NO BARS allowed because some drunk MAY harm someone? STICK TO Geologic ISSUES.

Page 48

L32 LC-7.1-A does not reflect current situation. NO fishing allowed IN CALIFORNIA.

L33 LC 7.3.1 - Hard to determine what may be for OFFSHORE development. AN office could not be opened? ~~ILLEGAL~~ -

Page 51

OS-2.13 The county has tried for several years to do this and can't - This city will never reach this goal. L34

OS-3.1 - who can determine the "original condition" to restore to? L35

OS 3.1.3 Fish & Game may not want removal of shade creation for fish. L36

OS-3.4 - NO study is required NOW - This makes no sense for "domestic" uses ~~FE~~ of a house on a large parcel like 15,000 sq ft Dennison Lane. L37

Page 52 -

OS-5.1 - Street trees does not work - what areas in town are forested?? perhaps identify or remove. L38

OS 5.1.1 - This is crazy - If you want a tree in my yard - buy the property - No one will plant a tree in my property - trees can be leafy - will the L39

Page 53 –

L40 OS 6.1 – 1.1, 1.2, 1.3 & 1.4 – TO VAGUE – Allows a poor Planning commission enough room to <u>NEVER</u> MAKE A DECISION

L41 OS 7.12 – Again – AN INTERPRETATION IS REQUIRED – NO Design Review IS better than A NO growth ord.

L42 OS 7.2 – Another study – more time more cost ⇒ NO project – They will not come!

L43 OS 7.3 – will you allow A windmill on top of A commercial building? – MAX height?

L44 ~~OS 7.3~~ OS 7.3.1 – Reflective Solar Panels? LIKE NORTH cliff roof.

L45 OS – 8.1 – 5 – USE Building code – Delete All –

Page 55

L46 OS – 10.2.1 – Descrimination – Blackmail – How Large? UNCLEAR –

L47 OS 11.2.1 - A - Another Fee to hinder new stock of Affordable housing.

L48 OS 12.2.1 - Should be Against All law - The haul Road is A Road -

Page 66 -

L49 C-1.2 1:2 A & B - All more ways to Discourage Building. EXAMPLE - Longs Days - Forced to pay huge Amounts For An existing problem - NO Growth - You TAKE The SALES TAX but wont Encourage the USE.

Page 68 -

L50 C-2.2.2. - Shall have EXCEPTION - IE Hospital - could not have been built as is

Page 69 -

L51 C-4 - What Message does this send? Develop in county -

L52 C-4.1 - What ??

Page 70-

L53 C-4.2 - Too Restrictive - It may be best at some point to change this - NOT with this Attitude - Give future councils some credit for having some brains - Perhaps Better vision than this one!

Page 71 -

L54 C-5.1.6 - you mean Pay them? make it mandatory with a new business Lisc.

Page 79

L55 C-15.1 - Another fee. does this city every Provide Anything?

Page E2 -

L56 D - The central Business District does not create the most sales tax and may not be the "heart" of the city in this respect.

Page E3 -

L57 CD - 1.1.2 Another hurdle for affordable housing. Time = Money. Studies = Time.

L58 CD 1.14 - B Trees Block views = more accidents with cars & kids.
D - Encourage ? or Require -
with Lot coverage it won't make housing affordable.
E - vague - What is traditional ?
IECC - 1950 - 1982 ?
S - Don't even think this - What style is Grey Whale ??

L59 CD - 1.1.5 - Nose in tent - Camel - This city can't get much worse as far as affordability.

L60 CD 1.1.6 - Restriction of individual property rights!

L61 CD 1.2 - Who decides harmony ?

Page 84 -

L62 CD 1.3.1 Notification of project is Not Required by Law. Dont go here - This is not and will not Become Mendocino -

L63 CD 1.3.2 - USE UMBCODE - This wont work -

L64 CD 1.3.3 - you will be sued - you dont have much money left.

L65 CD 1.6 - good Luck! Remove Orange Pots - A Real Nuisance!!

Page 86

L66 CD 2.3.2 - Why only CBD - what if a C-2 use comes up -

L67 CD 5.2.1 - A. This is not historic use. - B - Guest house looks good to me. - C & H. Subjective -

L68 CD 6.1 - who to decide? A List?

L69 CD 6.15 - you cant enforce this -

L70 CD 6.2.2 – Require RESTORATION??
ADA COMPLIANCE USUALLY will interfere
on A "NEW STRUCTURE.

L71 CD 6.2.3 - TOO LONG – TOO EXPESIVE -
NOT REASONABLE.

L72 CD 6.4.1 – What? what does
potentially exist mean? undefin

L73 C.D. 7.11 - NO WAY –

L74 SF 1.14 - & 1.1.5 who will pay for this?

L75 SF 4.2.4 – Why shall the City TAXPAYER
pay to improve private property -
Let them pay their own way –

Page 141

L76 7-6- What about the Matson multi unit project- Time seemed to stand still- Time = $.

Response to Letter from Paul Clark

L1. The proposed Sphere of Influence is the same as the existing Sphere of Influence. It is true that the SOI was reduced from what was proposed in earlier versions of the General Plan Revision. This was a decision of the City Council.

L2. This issue was discussed by the Planning Commission and the City Council at the September 25, 2002 public hearing. It was determined that the area would not be redesignated to C2 because the Planning Commission and City Council did not want to allow shopping centers in this area. It was decided to retain the C3 designation for this area as shown on Map LU-1. However, this request was forwarded to the City Council for consideration when adopting the Final General Plan.

L3. The opinion is noted for the record. The Draft General Plan provides ample space to meet the City's regional housing need.

L4. The Commentor's suggestion for increasing housing potential in other commercial districts was forwarded to the City Council for its consideration. The City Council clarified that the FAR applies only to commercial development. It is true that increasing the FAR in other commercial districts would potentially allow for more affordable housing.

L5. The opinion is noted for the record. The EIR preparers disagree that requiring a conditional use permit for new development unreasonably restricts use of the property. Instead, the requirement ensures that future use would be compatible with adjacent land uses. The request was forwarded to the City Council for consideration.

L6. The opinion is noted for the record. The uses allowed in the Harbor District are consistent with the provisions of the Coastal Act. The EIR preparers disagree that additional uses that are not water dependent or visitor-serving should be allowed. However, this request was forwarded to the City Council for consideration when adopting the Final General Plan.

L7. The opinion is noted for the record. The EIR preparers disagree with this comment. The purpose of the cited policy is to ensure that existing residents and businesses are not required to finance new development in areas currently outside the City. However, this request was forwarded to the City Council for consideration when adopting the Final General Plan.

L8. See Response L7 above.

L9. The opinion is noted for the record. The EIR preparers disagree that these programs restrict the City's ability to annex properties where it can be demonstrated that such annexations are in the best interest of the City. As no explicit suggestions are offered by the commentor, no additional response is possible.

L10. The opinion is noted for the record. As no explicit suggestions are offered by the commentor, no additional response is possible.

L11. The Planning Commission and City Council determined that mixed use that protected historic resources was an acceptable use in the two cited areas. Historic structures are also provided protection under Policies CD-6.1, CD-6.2, and CD-6.3. However, the commentor's suggestion to expand this allowed mixed use to other areas was forwarded to the City Council for its consideration when adopting the Final General Plan.

L12. Comment is noted for the record. The policy does not require an applicant to comply with any regulation unless the applicant seeks residential or mixed use. The request was forwarded to the City Council for consideration. .

L13. The opinion is noted for the record.

L14. The language is similar to that adopted by other cities and is assumed to be constitutional. Century 21 and Mailboxes Etc. could be Formula Businesses. But the policy does not preclude development of such businesses.

L15. The opinion is noted for the record. The Planning Commission and City Council decided on these size limits at previous workshops. The request was forwarded to the City Council for consideration.

L16. The policy does not preclude development but requires visual corridors. The request was forwarded to the City Council for consideration.

L17 Ultimately, the City Council would be responsible for that determination.

L18. This program was added at the bequest of B&B owners in the west Fort Bragg area. The request was forwarded to the City Council for consideration.

L19. The opinion is noted for the record.

L20. The opinion is noted for the record.

L21. The Industrial designation is primarily intended for industrial and not retail uses. The program provides the ability for limited retail sales. The request was forwarded to the City Council for consideration.

L22. City staff would determine cumulative impacts based on the CEQA review. Ultimately, the City Council would make a final determination.

L23. The statement is noted for the record.

L24. The opinion is noted for the record.

L25. The opinion is noted for the record.

L26. The opinion is noted for the record.

L27. The opinion is noted for the record.

L28. The opinion is noted for the record. See previous Response L8.

L29. The opinion is noted for the record.

L30. The program only applies to property north of Pudding Creek.

L31. The geologic study would be done by a registered geotechnical consultant. The cited "any potential impacts" refers to geologic issues only as regards this program.

L32. The commentor is incorrect; fishing is allowed in California. The policy is consistent with the Coastal Act.

L33. The City would need to determine whether an "office" (presumably of an oil and gas exploration/development firm) would be permissible under this program.

L34. The opinion is noted for the record. The County is in the process of adopting such an ordinance.

L35. Qualified biologists are capable of determining the "natural state" of most streams.

L36. The program does not require the removal of shade along streams.

L37. The opinion is noted for the record. The policy is intended to protect the groundwater aquifers from over exploitation.

L38. Many areas in the east Fort Bragg area and other portions of the City and its Sphere of Influence support wooded areas. The request was forwarded to the City Council for consideration.

L39. The program refers to a tree planting program on City and other public property (if the owner wishes to have trees planted). If the tree planting program were offered to private landowners, it would be voluntary. As the commentor states, the City cannot force someone to plant trees. The request was forwarded to the City Council for consideration.

L40. The opinion is noted for the record.

L41. The opinion is noted for the record. The standards will be developed when revising the Zoning and Subdivision Ordinances. The request was forwarded to the City Council for consideration.

L42. Energy conservation in new construction is already required by the State. Concerns for energy conservation are common in many jurisdictions. The request was forwarded to the City Council for consideration.

L43. An application for construction of a wind generator would need to undergo design review for consistency with the General Plan and Zoning Ordinance. Height limits would apply to such facilities.

L44. The statement is noted for the record.

L45. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L46. The opinion is noted for the record. The size of the open space or parkland dedications would be determined by the City during the project review process. The request was forwarded to the City Council for consideration.

L47. The opinion is noted for the record. Such fees are common in many California jurisdictions.

L48. The opinion is noted for the record. The program was developed in coordination with State Parks. See their earlier Comment Letter. The request was forwarded to the City Council for consideration.

L49. This program is a standard way of ensuring that new development pays its fair share of roadway and intersection improvements. It is noted that despite said fees, Longs Drugs did decide to come to Fort Bragg.

L50. The opinion is noted for the record. This is current City practice. The request was forwarded to the City Council for consideration.

L51. The policy states the City's intent to not have traffic be the only driving force when making land use decisions. The commentor's opinion is noted for the record. The policy does not force development into the County's jurisdiction.

L52. The question is noted for the record.

L53. The opinion is noted for the record. Similar to many of the previous and subsequent comments made by the commentor, it should be pointed out that a General Plan is not frozen once it adopted. Future City Councils have the ability to revise General Plan policies. As stated on page 6 of the Draft General Plan, the City can amend the General Plan up to four times a year. The request was forwarded to the City Council for consideration.

L54. The suggestion is noted for the record. This may be one of the ways the City decides to implement this program.

L55. This fee is intended to allow the City to be able to afford necessary roadway improvements. Such a fee is common in many California jurisdictions.

L56. The opinion is noted for the record.

L57. The opinion is noted for the record. Such design review is standard in many California jurisdictions.

L58. The cited suggestions are to be considered by the City when developing the new Design Review Guidelines; they are not "required." The City will consider these

when developing those Guidelines. The request was forwarded to the City Council for consideration.

L59. The opinion is noted for the record. In reference to the commentor's several statements that the Draft General Plan makes it difficult to develop affordable housing, the policies and programs of the Draft General Plan regarding development fees and design review are typical of many California jurisdictions. It should also be pointed out that relative to housing costs throughout the Bay Area and much of Southern California, house prices in Fort Bragg are considerably more affordable than in much of the State. Due to Proposition 13 and the State's redistribution of tax revenues away from local jurisdictions, most jurisdiction now need to rely on fees charged to new development to pay for upgrading facilities that will support that new development. This is the cost of living and doing business in California. It is noted that despite those fees, the State continues to grow in population (and thus in jobs and homes). It is true that these fees along with many other factors make California a less affordable place to live than other states. However, the Draft General Plan contains numerous policies aimed at increasing the supply of multi-family units (i.e., affordable housing).

L60. The opinion is noted for the record. Many California jurisdictions require design review for all new development.

L61. City staff will determine this during project review. Ultimately, the City Council would make that determination if there is a disagreement.

L62. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L63. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L64. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L65. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L66. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L67. The list under this program are suggestions when the City adopts its new Design Review Guidelines. The City will consider the commentor's input when developing those new guidelines. The opinion is noted for the record.

L68. The City would develop a list of properties.

L69. The opinion is noted for the record. A legally adopted ordinance could be enforced. The request was forwarded to the City Council for consideration.

L70. The cited program does not require building restoration.

L71. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L72. City staff will determine whether there is the potential that cultural resources might exist on a project site. If staff determines there is that potential, then a records search would be required.

L73. The opinion is noted for the record. The request was forwarded to the City Council for consideration.

L74. The inspection required in Program SF-1.1.4 would be financed by the project developer. The City would be responsible for the monitoring cited in Program SF-1.1.5.

L75. The opinion is noted for the record. It is noted that contrary to most previous comments, the commentor believes the City should not be responsible for these costs. The request was forwarded to the City Council for consideration.

L76. The statement is noted for the record. It is unclear what the commentor is referring to on page 141 of the Draft General Plan.

EIR & General Plan

As the General Plan and supporting E.I.R. are to cover a ten year time span, I find the following:

The EIR fails to recognize the potential demand on the City of Fort Bragg from the development that will happen outside the city limits and S.O.I (Sphere of Influence.) This will of course effect the transportation and circulation elements, and potentially Sections 4.4, 4.6, 4.7, 4.8, 4.11, 4.12, 4.13 and 4.15, 4.17 M1

The Draft General Plan was and general no growth practices and policies set in place by the last and soon to change Council have already sent the message to developers — "Dont come here". Thus - the out of city limits and S.O.I. are and have been the focus of these people. M2

Being In the Real Estate business, And having been involved with the Longs drug site - I saw first hand the hurdles that this project in Pantejan had to endure. M3

- Traffic study - Increase of 500 square footage over the existing Building - Traffic Mitigation Fee - one of the first In Fort Bragg.
- Lighting Intensity Study - Required by Staff <u>before</u> the project went to Planning Commission - The first time Longs had to do this Anywhere before At this stage.
- Long delays with project due to "communication" with developer. Most done by mail And moved through process <u>very very</u> slowly.

From this, And others, And "Big Box" plans In General Plan - It is Inevitable that A Big Box And Large Home projects will be done outside the City or SOI. This will have A large impact on city streets, Schools. Etc. M4

M5 The Citys SMALLER S.O.I has Reduced the scope of The E.I.R. & General Plan so That It Does not Adequetly Address the Impact on the City, Both environmental And Financially or what wont happen due to the restraints on development except the "Core" Downtown. The ~~EN~~ Financial loss to the city EN lost SALES TAX, Lost Bed TAX ES huge And not Addressed IN the E.I.R - Supposedly not required by C.E.Q.A - However Any development or ANNEXATION proposed must have this study done IN the General Plan — Why. NO Growth - Protect the downtown - This General Plan Reflects the view of A small number of people only. Michelle White — owns A business & leases with option I was told A downtown building with residence. Vince Mennelli - used to have A business downtown - owns harbor District Area Property - he usually withdraws from these votes - not Ms White.

Dan Geale - had an obvious vendetta against Georgia Pacific in early stages of hearings - See tapes (Nicely)

Lindy Peters - Reasonable -

Jene Mello - not allowed by council to participate in General Plan process due to "conflict" with Employer - G.P. The When resolved - 4 3 to 1 vote to not Allow Mello to participate further when conflict resolved on non-GP related ISSUES -

Thus 3 of 5 council members shape this General Plan and EIR - All with narrow views not reflective of the constituents

Which is why White & Reardelli are not running and want to adopt this E.I.R. & General Plan It does not reflect the desire of the citizens - only a few.

M6 The E.I.R. & General Plan can not possibly meet the Housing goals MANDATED by Law. The RESTRICTIONS IMPOSED by more design REVIEW And RESTRICTIONS SUCH AS LOT COVERAGE CAN NOT Allow enough housing to be built.

M7 FALSE AN MISLEADING ASSUMPTIONS ARE USED IN SECTION 9 - HOUSING PAGE 40-41 IN THE E.I.R.

M8 Growth outside the city & SOI will affect the quality of life IN FORT BRAGG BECAUSE THE EIR & GENERAL PLAN IS SO FOCUSED ON NOT Allowing growth that will obviously come to meet the demand. The general public wants A K MART type Big box - dont Allow it in FORT BRAGG - It will go outside. NO SALES TAX to city.

M9 The STATEMENT that the city will Allow ANNEXATIONS on hook up to the city SEWER SYSTEM outside the improvement district is untrue.

This council voted to <u>not</u> allow applications for any sewer hookups at all, no matter how logical - (sherwood Road & Clark application) The same with annexations - Dont come to us as the city.

M10 By failing to meet the growth patterns that will take place in the coast area within the city General Plan and Reduced S.O.I. This E.I.R. and General Plan fail to meet the rational expectations of Growth and goes further to restrict all areas. Commercial, Residential, Multi Housing - wherever possible and fails to convince the world that downtown Fort Bragg is the "Core" of cultural, Economic etc. See what happened to Mendocino - No one wants to live in a fish bowl of tourists walking around (and of course buying from your shop)

Not all the community is happy with downtown -

Not All have enjoyed the congestion around the Headlands on Laurel- Ask the police where most of the problems happen with youths.

This may sound bias but if you check the Records Myself, Barbara Clark And the group known As Citizens For Fort Braggs Future. Have been involved In this eating process from Top to bottom. It can be summed up by this - Most All concil votes in the last 4 years — 3 to 2 -

White, Bennett, Gjerde / Peters, Melo

The legal expenses of the North Cliff dispute are over $500,000 — No Resolution yet. The Friends of Fort Bragg & the 3 council members above still have not shown that former Legal Person for the City Tom Lodgen was wrong. He was Right. The North cliff was the worst thing that happened to this City

It got these three elected - And the exposure & potential loss to the city IS not Addressed or shown In the E.I.R. This council was told the would through this Issue And the Attempt to Stop The Loyo Bridge Replacement That The city of Fort Bragg Does not want growth of Any kind, Does not want Timber related jobs or development, No oil - NO Big Boxes, No motels, No new Annexations to provide housing, Just Keep our downtown And East Fort Bragg Residential Values going up.

M11 This E.I.R. Fails to Address these Goals - How can Anyone meet the Housing needs with Infill? Look closely At the Parcels that "could be" developed. Any In the Coastal Zone Are All but Impossible to develop.

I hope this E.I.R. is not adopted, and this general plan is not approved - I will be involved in the general plan amendment process if it is.

Paul Clark 964-0811

Fort Bragg area resident & Fort Bragg city property owner and former Planning Commissioner — (sat while the existing General Plan was approved and implemented)

I've seen staff - Linda Ruffing pretty well change all the language used in the city code that was put in place appox 1982—

Response to Second Letter from Paul Clark

M1. The commentor is incorrect. The Draft EIR does assume a certain level of development in the Sphere of Influence. See the tables on page 17 of the DEIR. The traffic analysis assumes this level of development in the SOI as well as new development in the County outside the SOI (see page 7 in Appendix B of the DEIR). The other sections of the DEIR cited by the commentor assessed projected buildout in the City and SOI. Other development outside the SOI was assessed under Cumulative Impacts on pages 265-266 of the DEIR.

M2. The commentor's opinion is noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M3. The commentor's observations are noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M4. The commentor's opinions are noted for the record. The commentor is referred to comments he made in the earlier letter wherein he repeatedly criticized the Draft General Plan for not facilitating development of Big Box development and residential development in the City. In this comment, the commentor opines that such development will occur outside the City and have a significant impact on the City. The City cannot control what development occurs in the County but does have the ability to regulate development within the City so that the development does not have significant impacts.

M5. The commentor is incorrect. The Draft General Plan does not restrict new development to the CBD. The commentor's opinion about the City Council are noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M7. The commentor's opinion is noted for the record. The Draft General Plan does provide adequate land to meet the City's share of the regional housing needs. As no specific questions about the DEIR are asked, no additional response is required.

M8. The commentor's opinion is noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M9. The commentor's opinion is noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M10. The commentor's opinion and observations are noted for the record. As no specific questions about the DEIR are asked, no additional response is required.

M11. The commentor's opinion is noted for the record. The Draft General Plan designates a substantial amount of land that can be developed with multi-family housing. In addition, supplying housing is not an environmental issue. The commentor has made specific comments and request on this issue in his earlier comment letter, and responses to those comments were provided above.

RECEIVED
OCT 2002
CITY OF FORT BRAGG
PLANNING DEPT.

SIERRA CLUB MENDOCINO GROUP
P.O. BOX 2330
FORT BRAGG, CA 95437

SIERRA CLUB
FOUNDED 1892

Friends of Fort Bragg
P.O. 198
Fort Bragg, CA 95437

October 2, 2002

Comments For the Public Record
Draft Environmental Impact Report Fort Bragg General Plan

Starting twenty years ago, with intense, concerted effort this last decade, we have expressed our environmental, taxpayer, and homeless/low income housing concerns to various Fort Bragg City Councils and former City staff through the democratic process in a number of ways. This expression included several successful lawsuits, community organizing and education, and participation in countless City meetings.

Each and every one of our actions simply requested that the City abide by and uphold existing state law and its local laws, nothing more. However, we were ignored at great cost to taxpayers and numerous quality-of-life impacts to our community. These costs, impacts, and the overall contentiousness in our community over the last decade could have been avoided if decision makers had only chosen to understand, respect and uphold the laws (or change them through the democratic process).

We hardly imagine anything more worthwhile and honorable than for an individual to assist in democratically governing a community, and anything more precious than to live and raise a family in a community that is democratically governed.

Therefore, it gives us a very great pleasure to heartily commend the City of Fort Bragg staff and Leonard Charles and Associates for the understandable, thorough, and, with a but a few exceptions, environmentally sound General Plan and Draft Environmental Impact Report. We know that this exceptional General Plan and EIR is also the result of many hours of work and debate by the current Fort Bragg Planning Commission and City Council.

We thank you all for your effort.

Municipal stormwater pollution

Impact 4.2-D

The City's storm water system currently culminates in un-mitigated discharges of polluted rain water (point source via non-point sources and runoff non-point source pollution) to the coastal zone areas of Noyo River, Pudding Creek and the Pacific Ocean. N1

The DEIR discusses the City's requirement to prepare and adopt a stormwater pollution prevention program by March 10, 2003. However, ensuing discussion only focuses on remedies and mitigations for new runoff and new projects over 1-ac in size. The DEIR does not address impacts caused by existing point and non-point storm water pollution Increased traffic (visitor population) over the life of the General Plan will increase source pollutants even if no new development occurs.

This impact may be addressed in the City's eventual stormwater pollution prevention program, however there is no language that specifically states this must be done.

We suggest the following language (in capital letters) be added to the General Plan and DEIR

Goal OS-2 Improve Water Quality

Program OS-2.1.1 Prepare and adopt a Municipal Stormwater Program NO LATER THAN AT THE TIME OF ZONING CODE APPROVAL

This program would establish measures to ADDRESS EXISTING *and to reduce future non-point source pollution.*

4.10 Water

The DEIR discussion states that source percentage amounts differ depending on the time of year (e.g. Simpson and Newman are the preferred sources in the summer/higher delivery volume time of year). Therefore, the DEIR statement "Approximately 50 percent of the City's water is taken from the Noyo River. About 30 percent is from the Simpson diversion and 20 percent from the Newman diversion," needs to be clarified. N2

Policy PF-2.4: Potable Water Quality

The City has been a voting member of Noyo Watershed Alliance since its inception nearly two years ago. N3

We suggest that the following Program be added to the General Plan:

Program PF-2.4.4: Continue to participate in the Noyo Watershed Alliance, a collaborative multi-stakeholder effort to identify and encourage implementation of improvements that Noyo watershed landowners and local government entities can voluntarily undertake that will restore and protect salmon habitat and improve drinking water quality in the watershed.

Mitigation Monitoring

We are concerned that certain mitigations that require additional studies, ordinances, or planning do not have schedules for completion in DEIR We assume that this schedule will be included in the General Plan EIR Mitigation Monitoring Plan which is not yet available for public review. If not, these mitigations cannot serve as such and the DEIR is legally deficient. N4

In addition, we suggest that language be added noting the annual report to the City Council on the status of the General Plan as required under Government Code 65400. We also suggest that this General Plan report should also include the General Plan EIR, and existing and future individual project EIR mitigation reporting program/plans as require under Public Resources Code Section 21081.6. N5

Comments from trustee and responsible agencies

We have read all the General Plan and DEIR comments by trustee and responsible agencies. In particular, we encourage adoption of mitigation measures and policies that would address concerns of Air Quality, Fish & Game and Regional Water Quality. N6

Conclusion

In addition to addressing our noted concerns, we urge adoption of the General Plan and DEIR Alternative 3 primarily because of the unknown development status and potential for a zoning change amendment for some or all areas of the Georgia-Pacific mill site.

Ron Guenther, Chair
Sierra Club Mendocino Group

Roanne Withers
Friends of Fort Bragg

Response to Letter from Ron Guenther and Roanne Withers, Sierra Club and Friends of Fort Bragg

N1. The DEIR may be incorrect. The City, due to the fact that it has less than 10,000 people, may not legally be required to adopt a municipal stormwater pollution program by March, 2003. However, the RWQCB may require such a program for the City despite its not meeting the size requirements due to the fact that the City drains to waters supporting listed fish or other factors. The RWQCB has not yet finalized what jurisdictions will need to comply with the Phase II program.

The commentors are correct that the required stormwater pollution prevention program would address point and non-point pollution. The commentors' suggested program addition is noted for the record and was forwarded to the City Council for its consideration. However, this addition is not required to reduce the impact to a less than significant level (at the program level) because Program OS-2.1.2 requires the City to require Best Management Practices to protect water quality until such time as the stormwater pollution program is adopted. On the other hand, if this addition were made, it would not result in any new or more significant impacts. At the October 30, 2002 public hearing, the City Council determined that the schedule for implementation of this program would be determined when the project is added to the next revision of the City's Capital Improvement Program.

N2. The data on water supplies described in the DEIR were provided by the City's water manager. The cited sentence refers to the average annual sources of the City's water.

N3. The suggestion is noted for the record and was forwarded to the City Council for its consideration. The addition of this program is not required to reduce a potentially significant impact to a less than significant level. On the other hand, if this addition were made, it would not result in any new or more significant impacts.

N4. The Mitigation Monitoring Reporting Program (MMRP) is not required to provide explicit deadlines for when programs and policies of the Draft General Plan will be completed. Many of the policies and programs are self explanatory as to when they will be done (e.g., intersection improvements once the Level of Service falls below the acceptable standard). Others are ongoing and will be used by the City when assessing future project applications. Some will be included in the revision of the City's Zoning Ordinance, which is expected to be completed in 2003. Some, such as the requirements for a Municipal Stormwater Program, a Grading Ordinance, new Design Review Guidelines, etc.) will be developed per the schedule established in the City's Capital Improvement Program. The potential environmental impacts these programs would address are addressed by other Draft General Plan programs that would apply until these future programs or ordinances are adopted. For example, Programs OS-2.1.2 and 2.1.3 require the City to use Best Management Practices until such time as the new Municipal Stormwater Program and Grading Ordinance are adopted. Use of those BMPs would reduce the impacts to water quality to a less than significant level until

such time as the Municipal Stormwater Program and Grading Ordinance are adopted.

The MMRP will provide general timeframes for implementation of programs. Per the recommendation of City staff and the City Attorney, the MMRP will identify which programs should be accomplished in the short-term (1-5 years) or long-term (5-10 years) and which are ongoing. Many of the recommended programs will be completed when the City revises its Zoning Ordinance (some time in 2003), and other programs calling for development of explicit ordinances or studies will be included in the next version of the City's Capital Improvement Program (CIP). The CIP will establish a schedule for when these programs would be funded and completed.

If the City wishes to commit to a more explicitly defined schedule of when various ordinances, programs, and studies would be completed, then those schedules would need to be included in the Final General Plan.

N5. The suggestions are noted for the record and was forwarded to the City Council for consideration. It is noted that the annual review per Section 65400 of the Government Code is required by law, and reference to such a requirement is not needed in the General Plan. This annual review would include, as recommended by the commentors, consistency of General Plan implementation per the EIR prepared for the Draft General Plan and consistency of specific projects with the General Plan and the MMRP

N6. The opinion is noted for the record. See previous responses to comments made by public agencies.

RECEIVED
2002
FT BRAGG
DEPT.

October 2, 2002

To: Linda Ruffing

From: Michele White

Re: Comments on General Plan EIR

I have the following comments and questions on the General Plan EIR:

1. I am concerned that we do not seem to have any sort of time-lines for the preparation/adoption/update of the various plans and programs that are required to mitigate identified impacts. O1

The preparation and adoption of a Grading Ordinance (OS-2.1.3, Impacts 4.1-B, 4.1-C and 4.2-D) could be timed to coincide with the update of the Zoning Ordinance that is now in progress.

For the Municipal Stormwater Program (OS-2.1.1, Impacts 4.1-C and 4.2-D) it seems to me that at a minimum we should insert language that requires that the preparation and adoption of this document be included in the 5-Year Capital Improvements Program. (This could be done with the mid-year budget review or with the adoption of the 2003-2008 Program. The funding mechanism and final schedule for the work to be done to prepare the document could be decided as part of the ongoing work on the CIP.)

I think we should insert similar language into sections about the development of a Wastewater System Master Plan (PF-2.5.1, Impact 4.9-A) and the update of the Water System Master Plan (PF-2.2.1, Impact 4.10-A).

I know that these plans/programs will involve a considerable work effort on behalf of staff (even if we hire consultants to do the work) but I think we need to get them on the City's "radar screen" so that the work gets done prior to some of these issues reaching the reactive stage (where the City in put in the position of having to respond to enforcement actions or threats of lawsuits) instead of being addressed proactively.

2. In OS-2.1.3 (Impacts 4.1-B, 4.1-C and 4.2-D) we are committing to use "Best Management Practices" until we get the Grading Ordinance in place. The use of capital letters in naming this mitigation makes it sound as though there is a book out there to consult to determine which BMPs should be applicable to a particular development. Since, as I understand it, this is not the case, it seems to me we need to indicate what resources we will consult to determine what the BMPs should be when the City is processing applications and recommending conditions to projects. O2

3. In Impact 4.2-E I think it is not clear enough what will happen if/when the wells of Todd Point residences are affected by development within the City limits. For example, if an application for a development comes in right after this General Plan is adopted, what would happen? Using the word "Consider" in a mitigation measure (and especially in an additional, new mitigation measure designed specifically to address a potentially significant impact not fully mitigated in the Draft General Plan) seems much too loose. O3

It seems to me that there needs to be some language to direct a study be done to determine what improvements might need to be made at Todd Point, which properties now available for development need to pay a share of those potential future improvements and how those shares would be calculated and eventually collected.

Do we need to adopt some sort of "exaction" ordinance in order to collect these dollars at a future date if/when they are needed?

4. On page 133 of the Transportation and Circulation analysis it says that the CWR grade crossings will be resurfaced in late 2002 or early 2003. The schedule for the Franklin, Bush and Fir crossings has slipped greatly (due to the CTC's direction of when money will become available) and it seems to me we should be more precise about when this will happen. Also, the gates and flashing lights are already in at all the crossings and the Main and Pine resurfacings have already been completed. O4

On that same page it says that the "merge location...WILL be moved to the south...' Since we have been told that we need to do a traffic study on this issue and it is far from certain that Caltrans will approve moving the merge lane to the south (and in view of the fact that our own EIR says we will need to move it to the north when the LOS drops), using the word "will" seems incorrect. It would be more correct to say "may". O5

5. I have a similar question about development paying their share of improvements necessary to mitigate traffic impacts as I did above on the Todd Point well issue: study, exaction ordinance, etc. O6

As a larger issue, I have a question about how existing development could/should be required to make improvements when new regulation is placed on the City. For example, if/when we are required to remove more sediment, oil, gas etc. from the stormwater run-off, do we have a mechanism to require existing development to upgrade their storm drains, maintenance, etc. in order to help the City come into compliance? O7

Response to Letter from Michelle White

O1. See Response N4 above regarding this same concern.

O2. To clarify the issue of BMPs, the following will be added below Program OS-2.1.3:

Program OS-2.1.3: Prepare and adopt a Grading Ordinance. Until the grading ordinance is adopted, use Best Management Practices to control dust and erosion and to limit changes to topography.

Best Management Practices will be taken from the Coastal Commission's "Model Urban Runoff Program" as regards municipal projects; "California Storm Water Best Management Practices" (Camp Dresser & McKee et al for the Stormwater Quality Task Force, 1993) for industrial projects; and Caltrans' "Storm Water Quality Handbook Planning and Design Staff Guide" for project construction.

O3. The comment is noted for the record. It is recommended that the recommended EIR Program OS-3.4.2 be replaced with the following:

Program OS-3.4.2: Prior to consideration of any new development on the Todd Point aquifer, a project-specific hydrologic design analysis shall be prepared by the project applicant to recommend specific mitigation measures to minimize runoff from the site in order to retain existing levels of groundwater recharge. (Examples of such measures include establishment of retention basins, establishment of percolation chambers, use of permeable paving materials, etc.)

If the design analysis concludes that the project will result in a net decrease in groundwater recharge from the project site, then a supplemental hydrologic analysis shall be prepared by the applicant which evaluates cumulative hydrologic impacts. The study shall establish a baseline of aquifer supply to existing residential wells on Todd Point and evaluate cumulative impacts to aquifer recharge from all projected development on Todd Point.

If the supplemental hydrologic analysis shows that the cumulative development would adversely impact existing Todd Point wells, then the study shall establish the nexus for new development, both in the City and in the County, to pay its pro rata share of the costs of extending City water service to the affected existing residences.

Prior to new development, the City will establish a program that identifies how fees will be collected to extend City water, what existing residences will be served, and when the water service would be extended.

The cost of preparing the cumulative hydrologic study will be borne by the first application received which triggers this requirement, and all future applicants for new development on Todd Point will be required to reimburse the original applicant their fair share of the hydrologic study.

O4. As the commentor states, when these improvements will be completed is at the discretion of CTC funding. The EIR preparers are unable to be precise when these improvements will be completed. However, these improvements are not required to reduce an impact to a less than significant level.

O5. The word change will be made as requested.

O6. Program C-15.1.1 states the City will develop a Traffic Mitigation Fee that will require new development to pay its fair share of required circulation improvements. The program does not specify when this Fee Program would be prepared. The MMRP will provide a schedule for that program.

O7. For unfunded improvements, the City has the option of establishing assessment districts to charge existing landowners fees to finance needed improvements. However, such an assessment district must comply with all nexus and other requirements of AB1600. The Draft General Plan does not prohibit such assessment districts, but it also does not call out the possibility that the City might consider the use of assessment districts in the future. The issue was forwarded to the City Council for its consideration.

Response to Comments Made at the First Public Hearing, September 25, 2002

A public hearing on the RDEIR and Draft General Plan was held before the Fort Bragg Planning Commission and City Council on September 25, 2002. Seven members of the public spoke at that meeting. The comments and responses are summarized below.

P1. Chris Brown, representing the Mendocino AQMD, did not offer any comments on the DEIR, and no response is required.

P2. Chuck Greenberg summarized comments made in his comment letter (Letter J). Those comments were previously responded to.

P3.. Barbara Clark reiterated her request for a redesignation of a parcel. This was responded to in Response K1.

P4. Barbara Clark requested that the west side neighborhood that was changed from DTMR to R1 should be redesignated to R2. This comment was forwarded to the City Council for its consideration.

P5. Barbara Clark requested that the Draft General Plan be re-examined to allow for the construction of more affordable housing. This comment was forwarded to the City Council for its consideration.

P6. Paul Clark summarized some of the comments made in his two comment letters. See Comment Letters L and M and the responses to those comments.

P7. Ron Holen, representing the Georgia-Pacific Corporation, stated that the Draft General Plan provides the necessary flexibility for future planning and re-use of the G-P property, and G-P supports the Draft General Plan. The comment is noted for the record.

P8. Diana Stewart stated that small lots are not the right approach for constructing affordable housing and that second units are very valuable affordable housing for Fort Bragg. The comment is noted for the record. As no question is asked of the DEIR, no response is required.

P9. Ted Rabinowich stated that the Downtown is the heart of the City and could generate substantial sales tax. Affordable housing is a worthy goal, but so is the goal of maintaining Fort Bragg as a good place to live and the quality of the neighborhoods. The comment is noted for the record. As no question is asked of the DEIR, no response is required.

Two additional public hearings were held before the Planning Commission and City Council on October 16 and October 30, 2002. However, these public hearings were intended to solicit comments on the Draft General Plan and not the DEIR. The previous section titled "Changes to the Draft General Plan" lists the changes the Planning Commission and City Council agreed to at the latter two public hearings, given the requests included in the previous comment letters plus verbal requests made at all three public hearings.

U.C. BERKELEY LIBRARIES
C124926306